



# Town of Groveland Planning Board

183 Main Street  
Groveland, MA 01834

Any appeal shall be  
filed within (20) days  
after the date of filing  
this notice in the office  
of the Town Clerk.

## MEMORANDUM OF DECISION SITE PLAN APPROVAL PARKING REDUCTION SPECIAL PERMIT

**PUBLIC HEARINGS:** September 17, 2019, October 1, 2019,  
November 19, 2019, December 3, 2019, January 7, 2020  
**DATE OF DECISION:** January 7, 2020

**Petition of:** Mike Maroney  
PO Box 5469  
Haverhill, MA 01835

**Premises Affected:** 301 Main Street  
Groveland, MA 01834  
Assessors Map 10, Parcel 001

Referring to the above petition for a Site Plan Approval filed pursuant to Section 13 and a Parking Reduction Permit pursuant to Section 9, Off Street Parking and Loading Standards of the Groveland Zoning Bylaw to utilize the site for a restaurant with associated site improvements, located at 301 Main Street. The property is shown on Assessors Map 10, Parcel 001 located in the Business (B) Zoning District.

After a public hearing given on the above dates, and upon a motion by Robert Arakelian, seconded by Brad Ligols, the Planning Board APPROVES the application for a Site Plan Approval and Parking Reduction Special Permit, as amended with conditions. A vote of 4-0 was made in favor of the application.

On behalf of the Groveland Planning Board  
Robert Danforth, Chair  
Robert Arakelian  
Lisa Chandler  
Brad Ligols, Associate Member

TOWN OF GROVELAND  
2020 JAN -8 PM 3:29  
TOWN CLERK  
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The Planning Board herein approves Site Plan Approval filed pursuant to Section 13 and a Parking Reduction Permit pursuant to Section 9, Off Street Parking and Loading Standards of the Groveland Zoning Bylaw to utilize the site for a restaurant with associated site improvements, located at 301 Main Street. The property is shown on Assessors Map 10, Parcel 001 located in the Business (B) Zoning District.

The application was filed with the Planning Board on August 27, 2019. The Applicant submitted a complete application conforming to the requirements of the Zoning Bylaw, which application was noticed and reviewed in accordance with Section 13 of the Groveland Zoning Bylaw. The public hearing on the above referenced application was opened on September 17, 2019 and closed on January 7, 2020. A quorum of Planning Board members was present.

The Planning Board makes the following findings as required by the Groveland Zoning Bylaws Section 13 and Section 9:

#### **FINDINGS OF FACT**

- 1) The proposed Project will not adversely impact the natural or built environment of the Town and the use is in harmony with the general purpose and intent of the Groveland Zoning Bylaw.
- 2) The adverse effects of the proposed use will not outweigh its beneficial impacts to the town or the neighborhood, in view of the particular characteristics of the site, and of the proposal in relation to the site.
- 3) The proposed Project is the result of discussions with the Planning Board, municipal department staff and outside consultants with respect to parking and site design. The resulting proposal limits impacts on neighboring residents and businesses.
- 4) The Peer Review Engineer, TEC, provided a final comment letter dated January 3, 2020. (See letter from Peter Ellison, Project Engineer.)
- 5) Restaurant is an allowed use by Special Permit from the Zoning Board of Appeals in the Business Zone, as stated under Section 4.5 the Groveland Zoning Bylaw.
- 6) The taking of property by the Commonwealth rendered the property dimensionally nonconforming.
- 7) The second structure on the site is the current site of the United States Post Office. The Post Office has a lease to use the property. The Applicant has stated the proposed Plan will not impact the lease agreement held with the Post Office in terms of parking spaces, loading, deliveries, access, etc.
- 8) The Planning Board finds that exterior storage would be detrimental to the neighborhood. Therefore, there shall be no outdoor storage of product and/or supplies on site.
- 9) All loading and unloading should occur during off-hours for the business. These hours should not extend into hours that may disrupt nearby residents.

- 10) Restaurant hours are Tuesday through Thursday 3PM to 10PM and Friday, Saturday and Sunday noon to 10PM.
- 11) Per the Groveland Zoning Bylaw, the Applicant is required to have thirty (30) parking spaces on site (1 space per 250 SF of floor area - total of 1,487SF equates to 6 parking space plus 1 space per 4 seats with 68 seats equates to 17 parking spaces). Additionally, per Section 9.1.1 a minimum of one (1) parking space per employee. The Applicant proposes to have six (6) employees at the restaurant site and one (1) employee at the Post Office.
- 12) The Applicant has provided nine (9) parking spaces and has requested a Special Permit under section 9.4 of the Groveland Zoning Bylaw due to the availability of on-street parking and the proximity to a municipally owned lot.
- 13) During operational hours, except for the hours of overlap with the Post Office, restaurant employees will park in the on-site parking spaces to limit vehicular circulation on site. First-shift employees for the restaurant on Monday through Friday will park in the municipal lot located on School Street. This will provide on-site parking during the hours the post office is operating.
- 14) The Applicant has provided 24-feet of aisle width in accordance with Section 9.3.8 of the Groveland Zoning Bylaw. The Board has expressed concerns about the effective width of the driveway if a truck or van backs up to the Post Office loading dock.
- 15) A traffic assessment was performed for use of the site as a "Quality Restaurant" as defined by the Institute of Transportation Engineers (ITE) for Land Use Code (LUC) 931. Any change that results in a higher-intensity use shall require a revised traffic assessment.
- 16) The 2012/2013 reconstruction of the adjacent Bates Bridge significantly altered the site. The number of driveways accessing the site decreased from two driveways to one and traffic from both the Post Office and the proposed use would be directed to the one driveway location along Main Street. Note that the parking connects to the Groveland Square LLC driveway; however, no documentation for cross-access easement for inter lot travel has been provided. Therefore, all traffic for this site is being approved for use on the single driveway along the northerly side of Main Street.
- 17) The Board has raised multiple concerns related to the driveway including site distance, geometry, layout in comparison to the site, etc. which all have impacts on the safe access and egress to the site. MassDOT created this new driveway connection (within State Right-of-Way) as part of the bridge construction. The configuration of the driveway constructed by the DOT does not provide proper geometry to be used as a two-way driveway. In order to be used for two-way vehicular traffic the Applicant must make improvements.
- 18) Per correspondence from MassDOT, any site development that would modify the use of the driveway beyond that associated with the Post Office or would alter the configuration or location of the driveway requires a MassDOT Highway Access Permit. (See letter dated May 23, 2019 from John Bechard, Deputy Chief Engineer of Project Development.) This information was confirmed on December 5, 2019 in an email from Michael Karas, District 4 Traffic Operations Engineer.

- 19) The site is within 200 feet of the Riverfront and any exterior work will require review and/or permitting by the Conservation Commission.

## **DECISION**

After considering the required standards and factors set forth in Section 13 and Section 9, the Planning Board finds that the requested Site Plan Approval and Parking Reduction Special Permit, may be granted because it does not adversely impact the natural or built environment of the Town and the use is in harmony with the general purpose and intent of the Groveland Zoning Bylaw.

- 20) The Planning Board grants a reduction in the required parking spaces per Section 9.4 finding that there is availability of on-street parking and parking in a nearby municipally owned facility. The reduction in parking spaces in the lot allows for better vehicular traffic flow in the site.
- 21) The Planning Board grants a reduction in the parking requirements under Section 9.3.6 to allow three parking spaces to be located within the parking setback line.

The Planning Board grants Site Plan Approval and a Parking Reduction Special Permit for the Project as shown on the Record Plans, subject to the following conditions:

## **DEFINITIONS**

- The “Locus” or “Site” refers to the 0.543 acres of land with land fronting on Main Street as generally shown on Assessors Map 10, Parcel 001, as more particularly depicted on the “Plans” as defined below.
- The “Plans” refer to the plans prepared Hayes Engineering, Inc. titled, “Site Plan #299-301 Main Street, Groveland, Mass”, sheet 1-2, dated March 5, 2018, and final revision date of December 12, 2019.
- The “Project” refers to a restaurant with associated site improvements, located at 301 Main Street.
- The “Applicant” refers to Mike Maroney, the applicant for the Approval, its successors and assigns.
- The “Project Owner” refers to the person or entity holding the fee interest to the title to the Locus from time to time, which can include but is not limited to the applicant, developer, and owner.

## **SPECIAL CONDITIONS**

- 22) The Applicant shall improve the access driveway to function independently and accommodate two-way vehicular traffic in and out of the site. The Applicant shall apply for a MassDOT Highway Access Permit.
- 23) The restaurant use will be by reservation only. Any change in operation shall require the Applicant to appear before the Planning Board.
- 24) There shall be no outdoor storage of products and/or supplies on site.
- 25) Truck deliveries for the restaurant will be held during non-operational hours, but not before 6AM or after 11PM. These deliveries shall also be coordinated with deliveries scheduled by the Post Office.

- 26) No tractor trailers shall be on the site or used for deliveries.
- 27) The dumpster on site shall be scheduled for pick-up on off-hours to ensure that pick-up is not hindered by regular parking times for employees and patrons.
- 28) Any expansion and/or change in use shall require the Applicant to appear before the Board to determine if the expansion/change requires an additional filing under Site Plan Approval or can be classified as an insubstantial change under this decision.
- 29) If any modifications to the plumbing are proposed the Applicant shall contact the Groveland Water Department to see if the potable water supply is available in sufficient quantity and pressure for commercial use and fire protection. (See email correspondence from the Water and Sewer Superintendent dated December 21, 2018.)
- 30) The Applicant shall obtain approval from the Groveland Fire Department regarding circulation, fire lanes and access to the necessary sides of the building.
- 31) The Applicant shall obtain confirmation from the United States Post Office acknowledging the Plan and confirming there will be no interference with the operation of the Post Office or the terms of the lease agreement.
- 32) One (1) year after occupancy the Applicant shall provide a parking study be submitted to ensure adequate parking is available. This study should be signed by a Massachusetts Registered Engineer and submitted to the Planning Department. If it is found that more parking is needed, the Applicant shall appear before the Planning Board.
- 33) To establish the baseline for the parking study, the Applicant shall provide one weeks' worth of data, Tuesday through Sunday during the hours of 4:30PM to 8PM, showing the unoccupied parking spaces located in the municipal lots located within 500ft of the site. This data shall be supplied to the Planning Department.
- 34) All signage must comply with the Groveland Zoning Bylaw Section 11.

#### **PRIOR TO A BUILDING PERMIT**

- 35) The Plans and this Memorandum of Decision must be recorded at the Southern Essex Registry of Deeds. One (1) copy of the signed and recorded Plans and Memorandum of Decision must be delivered to the Planning Department.
- 36) A copy of the State Highway Access Permit and associated engineered plans showing the proposed improvements to the access driveway shall be provided to the Planning Department.
- 37) A copy of the letter from the United States Post Office acknowledging the Plan and confirming there will be no interference with the operation of the Post Office or the terms of the lease agreement.
- 38) A copy of the approval from the Groveland Fire Department regarding circulation, fire lanes and access to the necessary sides of the building.

- 39) A copy of the approval from the Zoning Board of Appeals.
- 40) A copy of the approval from the Conservation Commission.

#### **GENERAL CONDITIONS**

- 41) Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans, which are on file with the Planning Board.
- 42) Any action taken by a Town Board, Commission or Department which requires changes in the plan or design of the buildings, as presented to the Planning Board, may be subject to modification by the Planning Board.
- 43) All other Town of Groveland Bylaws not mentioned, but relevant to this Memorandum of Decision, shall be adhered to, otherwise this decision shall become null and void.
- 44) If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications to the Planning Board. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for site plan approval shall be required by the Planning Board; provided, however, that the Planning Board may determine that a proposed modification is insubstantial and approve the same without the need for any further Planning Board approval or hearing. Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.
- 45) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 46) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- 47) Exterior construction of the Project shall not commence on any weekday before 7:00AM and shall not continue beyond 6:00PM except for emergency repairs. Exterior construction shall not commence on Saturday before 8AM shall not continue beyond 5PM with the same exceptions. The Building Commissioner may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant except for emergency circumstances., where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of construction operation shall be enforced by the Police Department.
- 48) This Site Plan Approval shall be deemed to have lapsed after **January 7, 2021** (one year from the date granted), exclusive of the time required to pursue or await determination of any appeals, unless substantial use or construction has commenced within said one-year period or for good cause as determined by the Planning Board.
- 49) This Parking Reduction Special Permit shall be deemed to have lapsed after **January 7, 2022** (two years from the date granted), exclusive of the time required to pursue or await determination of any appeals, unless substantial use or construction has commenced within said two-year period or for good cause as determined by the Planning Board.

50) The Applicant is hereby notified that should the Applicant disagree with this decision, the Applicant has the right under MGL c.40A Section 17, to appeal this decision within twenty days after the date this decision has been filed with the Town Clerk.

51) The following information shall be deemed part of the decision:

**Plan titled:** "Site Plan #299-301 Main Street, Groveland, Mass"  
**Prepared for:** Mike Maroney, 359 Main Lynnfield, MA 01940  
**Prepared by:** Hayes Engineering, Inc., 603 Salem Street, Wakefield, MA  
**Scale:** 1" = 10'  
**Date:** March 5, 201 and final revision date of December 12, 2019  
**Sheets:** 1-2

**Report:** Traffic Assessment Memo/ Proposed Redevelopment 299-301 Main Street  
**Prepared for:** Mike Maroney  
**Prepared by:** Hayes Engineering, 603 Salem Street, Wakefield, MA  
**Date:** December 2, 2019

cc:  
Applicant  
Abutters  
Town Departments