



# Town of Groveland Zoning Board of Appeals

183 Main Street  
Groveland, MA 01834

**APPROVED April 15, 2020**  
**MOTION:** Jason Normand made a motion to approve the March 4, 2020 meeting minutes as drafted. Chris Goodwin seconded the motion. A roll call vote was taken. Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.

1

Board/Committee Name: ZONING BOARD OF APPEALS  
Date: WEDNESDAY, MARCH 4, 2020  
Time of Meeting: 7:30PM  
Location: TOWN HALL

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

3 Absent:

4 Staff Present: Rebecca Oldham

5

6 Jason Normand, Chair: The Zoning Board of Appeals meeting for Wednesday, March 4, 2020 was  
7 called to order at 7:32PM.

8

9 **PUBLIC HEARING**

10 **CONTINUED: Application #2019-3, 4 Sewall Street, Groveland Realty Trust, LLC c/o William**  
11 **Daley:** requests a Comprehensive Permit pursuant to the provisions of M.G.L 40B, §§ 20-23 and 760  
12 CMR 56.00, to construct 192 apartment units in four (4) residential buildings, a clubhouse with  
13 related amenities, such as a pool, and associated access ways, sidewalks, parking, utilities and  
14 stormwater infrastructure located in the Industrial (I) Zoning District.

15 **MOTION:** Kathy Franson motioned to OPEN the continued public hearing for Application 2019-3, 4  
16 Sewall Street. Chris Goodwin seconded the motion. The vote was 4-0, unanimous in favor.

17 Joel Kahn with Equity Alliance: We wanted to come before you and update you on the progress we  
18 have been making. In regards to Nelson Street, Town Counsel and our Counsel are continuing to have  
19 conversations concerning the use of said way. On February 18<sup>th</sup>, TEC and our engineers, the Town  
20 Planner was present as well, held a meeting to discuss the continued civil and stormwater review for  
21 the project. Both Millennium and TEC are trying to get to the point where the comments have mainly  
22 been addressed. We think at the next meeting they will be able to finalize this conversation. We have  
23 also provided you this evening a draft list of waivers.

24 **BOARD:** Discussed next meeting date. The Town Planner/Zoning Administrator and TEC Project  
25 Manager, Peter Ellison, will not be able to attend the regularly scheduled meeting on March 18<sup>th</sup>. Also  
26 Town Counsel, Amy Kwesell, will not be able to attend. Lastly, the main meeting room will not be  
27 available on that date. Reschedule the next meeting to Thursday, March 19<sup>th</sup>.

28 **MOTION:** Kathy Franson motioned to CONTINUE the public hearing for Application 2019-3, 4  
29 Sewall Street until March 19, 2020. Chris Goodwin seconded the motion. The vote was 4-0,  
30 unanimous in favor.

31

32 **NEW: Application#2020-1, 301 Main Street, Mike Maroney:** requesting a Special Permit to utilize  
33 the site for a restaurant. The site is located in the Business (B) Zoning Districts. The proposed project  
34 is located at 301 Main Street Groveland, MA 01834 (Assessors Map 10, Parcel 001) and owned by  
35 Zong Yang, 10 Bluejay Road, Lynnfield, MA 01940.

36 Mike Maroney, Applicant: We received Site Plan Approval and a reduction in parking special permit  
37 from the Planning Board. We are looking to renovate the existing building, the former gas station, to a  
38 68 seat quality restaurant and bar with outdoor patio seating (an additional 24 seats) at the rear of the  
39 property overlooking the River. Restaurant hours are Tuesday through Thursday 3PM to 10PM and  
40 Friday, Saturday and Sunday noon to 10PM. During operational hours, except for the hours of overlap  
41 with the Post Office, restaurant employees will park in the on-site parking spaces to limit vehicular  
42 circulation on site. First-shift employees for the restaurant on Monday through Friday will park in the



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municipal lot located on School Street. This will provide on-site parking during the hours the post office is operating. Our operation will not overlap with other businesses in the square. We are improving the entrance way. We will enhance the façade and improve the current situation. We will give the Town access to the landlocked parcel. Any approval should be conditioned on MassDOT access permit and the Post Office approval. We will still need approval from Conservation for any exterior improvements. I believe this is a great opportunity to revitalize the square. I am hopeful for a favorable outcome and invite the Board to issue the same conditions as the Planning Board.

Kathy Franson: I do think it will be difficult to have 68 seats. I do believe that the curb cut is improved from its existing condition with the relocation of the handicap ramp. You are going to rebuild that concrete ramp?

M. Maroney: Yes, we are going to rebuild that ramp in a more appropriate location. Note, we made the parking to employees only so that it would limit the vehicular traffic through the site. Other than the hours of overlap with the post office.

K. Franson: How will you make that clear to patrons.

M. Maroney: We will have it on the website and we will direct them when they make reservations.

K. Franson: It will be reservation only?

M. Maroney: It will control the amount of people that come to the site.

K. Franson: Common sense though, if we show up and there is an immediate availability we could essentially make a reservation right then and there?

M. Maroney: You would be told its reservation only, but you would be able to make that reservation then and there. The issue is there is no waiting area and we are trying to control the traffic into the site. We would certainly be making sure it was advertised on the website.

Jason Normand: How is it going to be enforced? Why did the Planning Board add that condition?

Town Planner: The Planning Board added the condition in efforts to limit the overcrowding of the site with patrons waiting in lines, etc. It was noted as Kathy stated, that if there was an availability someone could certainly make a reservation in that second. But that wasn't the intent. It was to limit the amount of people on the site waiting to get into the building.

J. Normand: The way the site is set up and the issues with the adjoining driveway, have you taken those matters in consideration?

M. Maroney: Mr. Connell has put up signage and jersey barriers that discourage the use of the driveway on their lot. The circulation since then has already discouraged post office patrons from utilizing the driveway.

## **PUBLIC COMMENT**

**Brian Connell, on behalf of Groveland Square, LLC.**: I think the difference from when this was presented to you in the Spring, is that they have carved off a foot of the post office which is the ramp and they moved the handicap spot that was next to the handicap ramp. Now those people that are utilizing the ramp have to traverse two lanes of traffic. We are not in support of this proposal and we are in not support of putting up anything at that site. Going back to the bylaws of Groveland– the project must be a public betterment. I think it would be great to have a restaurant. If it could be sustained. But reservation only and no onsite/employee only parking? I think you just stated that its confusing. How will it all operate? How is that enforced? The parking that was approved by the Planning Board is not a betterment. One of the things I wanted to note is that in TEC's review of that plan sited, even though it was ignored, the required parking would take up 92% of the parking in the area. There is other business in the Square that need parking. I think if this additional 24 seats get approved, that is 9 more parking spaces. This would be 100% of parking reserved for only one business. A few other things: On overlapping hours, if the first shift does not park on site how does



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89 that impact the traffic flow and situation? We did close our driveway and now we have gone through  
90 trolling on Facebook. We have had a lot of people give us a hard time. Also, after closing the driveway  
91 the land owner and Applicant has taken us to court. The Court transcript has direct quotes from the  
92 owner stating the access and ingress due to the closure is, “way too dangerous” and that “the driveway  
93 is too dangerous”, that “we are risking people’s lives” and “that people’s lives are in danger”. The  
94 Groveland Diner had more parking. The Square layout was all different before the bridge  
95 reconstruction. But the bridge has significantly altered the site and the parking that is available. We  
96 have put in signage on our lot and we have installed jersey barriers. We are just protecting our own  
97 liability. This is the Zoning Board of Appeal. As part of the special permit or the ability to grant this  
98 variance you can review the parking and traffic and the site. Also note that, the businesses themselves  
99 did not get notified because the notice was only sent to the landowners. Your responsibility as stated in  
100 the bylaw is to consider the socioeconomic value of the proposals, traffic and loading. We are talking  
101 about 92% of parking and those spaces are gone forever. Parking is already an issue and then you are  
102 talking about traffic flow in and out of the site. I see it every day, it won’t improve with additional  
103 businesses. What happens in a snowstorm? It is already a disaster. I just want you to know you have  
104 the ability to weigh in to base upon what I am seeing in the bylaw.

105 K. Franson: We asked the Applicant to go before the Planning Board because we are not the site  
106 experts nor did we have the authority to grant parking relief. The only reason they are here is because  
107 restaurants are explicitly allowed by special permit only in the Business Zone. The Planning Board  
108 reviewed the site and the project went through engineering peer review.

109 **Michelle (last name inaudible) with Your Place and Ours**: We deal with the limited parking that we  
110 have now. The laundry mat is very busy. I was not aware of the Planning meeting otherwise I would  
111 have attended. Where are all these cars going to be parking? I don’t think they are going to be walking  
112 from the Electric Company lot. My biggest concern here is parking.

113 **Mitchell Kroner 3 Cannon Hill Road Ext**: I am a real estate attorney but not representing anyone  
114 here. I would love to have a restaurant. But just not here. It should be somewhere else in Town. I  
115 would submit under the special permit rules; you could still revisit the parking issue. I think it was a  
116 terrible decision. Was the Board provided the TEC memo?

117 Town Planner: Yes.

118 **Mitchell Kroner 3 Cannon Hill Road Ext**: The decision does not really make any sense. You just  
119 heard that the sandwich shop is going to lose their parking. The night the Planning Board made this  
120 decision a new business opened and they are open until 8PM. They too will be affected by this project.  
121 I think under your powers you can certainly revisit the parking issues. I would like to see the Master  
122 Plan of the downtown when this restaurant goes in. The prior owner received over \$600,000 from the  
123 state. Basically, stating the property had no value and assuming that MassDOT would close the curb  
124 cut. I think it is premature. We would all love a restaurant. But this site is not ideal.

125 M. Maroney: MassDOT will not give a formal approval until other permits are received.

126 **Greg Stark, 308 Main Street**: I am concerned about the parking. I went to many of the  
127 hearings/meetings and have voiced what I experience in the Square. I just wanted to explain that the  
128 building I own in the square, has 7 parking spaces that I own. When the restaurant was open they  
129 would take over and park all over the place and anywhere they could. The restaurant did have  
130 arrangement with other areas in the square so they could park in other lots during off hours. It will  
131 become a problem. Enforcement will be an issue. The boards have to take a stronger stance and not  
132 pass the buck. It is important. This is our Square. It is the only one we have. So I ask that you take a  
133 hard look at this situation.



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134 K. Franson: The Planning Board condition stated “One (1) year after occupancy the Applicant shall  
135 provide a parking study be submitted to ensure adequate parking is available. This study should be  
136 signed by a Massachusetts Registered Engineer and submitted to the Planning Department. If it is  
137 found that more parking is needed, the Applicant shall appear before the Planning Board.”

138 **Bill Daley, 7 Hemlock Lane:** The gas station has been empty forever. Is he going to be successful?  
139 Maybe. Maybe not. But it’s better than what is down there now. I miss the Groveland Diner. I think  
140 the Town needs something like this. The commercial base isn’t going to build up overnight. I don’t  
141 think his business operation should matter. As long as it it’s within the rules he should be given the  
142 opportunity.

143 **Lee Yang, 299-301 Main Street:** Since I bought this property, I have wanted to make this a great  
144 property and make this good for the Town. We would not put a burden on the Town. We want to make  
145 it better.

146 John Stoke: They have not been to the Conservation Commission. They should get that approval  
147 before we make a determination. Typically, the ZBA is the last stop after all the other approvals have  
148 been obtained. It could change the design.

149 Town Planner: They have not been to Conservation for this proposal. Only and RDA for replacing the  
150 roof. But the exterior improvements are irrelevant if the use is not granted.

151 **James Bevelacqua 26 Coleman Road:** I served on the Conservation Commission for 5 years. I agree  
152 with Member Stokes; they should go before the Conservation Commission first. They have a lot of say  
153 and I think that they should vote or have a filing before rendering a decision.

154 **Michelle (last name inaudible) with Your Place and Ours:** I have a question about the 92% of  
155 parking, those spaces are given to them?

156 **BOARD:** The comment stated, that based on the public parking *available within 500-feet of the site*,  
157 the proposed restaurant would require the use of 91% of the public spaces available, thereby allotting  
158 9% for all other uses in the immediate vicinity. Those spaces are not expressly designate to them, that  
159 is just the number of spaces available there. Any business in that square gets access to those spots—  
160 first come first serve.

161 **Greg Stark, 308 Main Street:** The diner is not open, what happens to my parking for whatever  
162 business goes in there? There are other parking needs.

163 K. Franson: You stated the diner was using other parking areas?

164 **Greg Stark, 308 Main Street:** Yes, the parking held by Allied Graphic, they had arrangement they  
165 could use the parking lot during the off hours.

166 K. Franson: I never knew that.

167 **MOTION:** Kathy Franson made a motion to close the public hearing for application #2020-1. Chris  
168 Goodwin seconded the motion. The vote was 4-0, unanimous in favor.

169 **BOARD:** I think it’s hard with the enforcement of the Planning Board conditions— employee only  
170 parking and reservation only. Parking is a concern. The Planning Board does have a stipulation that  
171 they provide a parking study after one year. The biggest issues are the ingress and egress through that  
172 curb cut. But that is in MassDOT’s jurisdiction. Any other use in the post office building, if they were  
173 to leave, would need review. Since right now, it is a good opposing use. Most restaurants don’t have  
174 on-site parking. Or at least not enough like Haverhill and Newburyport. More of an issue than parking,  
175 is access and safety around that intersection and traffic, including foot traffic around that site.

176 K. Franson: I am conflicted. I cannot look past the safety issues with the ingress and egress and the  
177 pedestrian and vehicular traffic in the site. However, I also live in America, and a property owner  
178 should have the ability to choose what they want to do with their property. Who is to say that we can  
179 have two other restaurants in the area but no more. I feel like the issue with the site is up to the  
180 Planning Board and we can’t change their decision. But the curb cut is not safe. But to not allow any



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181 other restaurants in the area? I'm conflicted. Restaurant use in the Square; I do not have a problem  
182 with. But I am opposed to the safety of the site. I'm concerned about people walking on the site. I keep  
183 trying to think about a condition to add that would help but I cannot even find one. If DOT says it fine,  
184 then it's all the sudden safe? I'm conflicted.

185 **BOARD:** The layout is not ideal. It's a tough space for that building. The Applicant is trying to make  
186 improvements, but there are limitations.

187 **MOTION:** Chris Goodwin, moved to approve the Special Permit Application #2020-1 as stipulated:

- 188 1. The Applicant shall receive approval from MassDOT for a Highway Access Permit.
- 189 2. The Applicant shall receive approval from the Conservation Commission and all other  
190 required local and state regulatory entities.
- 191 3. The hours of operation for the use of the second building on the lot shall not conflict with the  
192 established hours of operation for the restaurant.
- 193 4. No more than 68 patrons shall be served at the restaurant at more than one time.

194 Jason Normand seconded the motion. A roll call vote was taken. Voting aye: Chris Goodwin, Jason  
195 Normand (2). Voting nay: Kathleen Franson, John Stokes (2). **The motion failed with 2 votes in  
196 favor and 2 against. The application is denied.**

## 197 198 MINUTES APPROVAL

199 **MOTION:** Kathy Franson made a motion to approve the February 5, 2020 meeting minutes as  
200 drafted. Chris Goodwin seconded the motion. The vote was 4-0, unanimous in favor.

## 201 202 INVOICES

203 **MOTION:** Kathy Franson made a motion to approve invoice number 16388 for TEC civil and  
204 architectural review of application 2019-3 for \$6,505.42 dated January 31, 2020. Chris Goodwin  
205 seconded the motion. The vote was 4-0, unanimous in favor.

## 206 207 OPEN DISCUSSION

208 *None.*

## 209 210 ADJOURNMENT

211 **MOTION:** Kathy Franson made a motion to adjourn the meeting. The motion was seconded by Chris  
212 Goodwin. The vote was 4-0, unanimous in favor. Meeting adjourned at 10:02PM.