



TOWN OF GROVELAND

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**TOWN OF GROVELAND
ZONING BOARD OF APPEALS**

**DECISION FOR SPECIAL PERMIT
APPLICATION #2017-4**

YOU ARE HEREBY notified of the Decision of the Board of Appeals on the application made by Fadi Issa (the "Applicant") for property located at 929-931 Salem Street, Groveland, Massachusetts, Assessor's Plat # 49 Lot # 04, located in the Industrial District (the "Property").

Application # 2017-4 was filed with the Board on May 8, 2017 as signified by the Town Clerk's date stamp. The Applicant proposes redeveloping 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 requests a 25-foot variance from the required 50-foot front setback in the Industrial District.

Notice of such public hearing was given by posting in Town Hall posting, publication in The Eagle Tribune on June 7, 2017 and June 14, 2017, and by certified mail to all parties-in-interest as defined in Section 11 of Chapter 40A of the Massachusetts General Laws.

The Board, as authorized by Section 15 of Chapter 40A of the Massachusetts General Laws, heard Application #2017-4 at a public hearing conducted on June 21, 2017.

FINDINGS:

The Board makes the following findings in connection with this Decision:

1. The western and southern portion of the Property cannot be developed due to wetlands that exist on the Property, which are not characteristic of the entire zoning district.
2. The Property is a unique shape which, along with the wetlands on the Property, prohibit development further away from Salem Street.
3. The literal enforcement of the front setback requirement will cause a substantial hardship to the Applicant because the Property could not be used to the extent required to make a feasible project.

4. Granting the desired variance will not be a substantial detriment to the public good and will not nullify or substantially derogate from the Zoning By-Laws because the proposed canopy and building will not be a significant change from existing conditions and only a small portion of the proposed use is within the required setback area.

DECISION:

The Board voted 4-0 to approve Application 2017-7 and grant the Applicant a 25-foot variance from the required 50-foot front yard setback, on the following terms.

1. This variance shall not take effect until it has been recorded in the Essex County Registry of Deeds.

Vote on the Motion to approve this Decision:

	YES	NO	ABSTAIN	ABSENT
CHAIR (K. Bailey)	X			
MEMBER (K. Franson)	X			
MEMBER (D. MacDonald)	X			
MEMBER (J. Norman)	X			
MEMBER (Vacant)				

Any Appeal of this Decision shall be made pursuant to Section 17 of Chapter 40A.



 Chair: Katherine C. Bailey

6/21/17

 Date:

Please be aware that the amendments to the Town of Groveland's Zoning Bylaws approved by a vote of Town Meeting on April 24, 2017 are currently being reviewed by the Office of the Attorney General, and any action taken under any permit issued pursuant to the amended Bylaw is taken at the permit holder's risk with the understanding that a disapproval of the amended Bylaw may result in the activity undertaken pursuant to said permit being disallowed.