



TOWN OF GROVELAND

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**TOWN OF GROVELAND  
ZONING BOARD OF APPEALS**

**DECISION AND NOTICE OF DECISION  
APPLICATION #2017-6 SPECIAL PERMIT**

You are hereby notified of the Decision of the Board of Appeals on the Application #2017-6 for Elizabeth Rose, Trustee of the Just the Beginning Realty Trust (the "Applicant"), owner of the property located at 21 Elm Park, Plat #10, Lot #030, in the Business Zone District.

The Application #2017-6 was filed on May 10, 2017, as signified by the Town Clerk's stamp. The Applicant seeks a finding pursuant to M.G.L. c. 40A, section 6 and a Special Permit pursuant to Section 5.2 of the Groveland Zoning Bylaw,<sup>1</sup> to change the use of the pre-existing non-conforming structure on a pre-existing non-conforming lot from two business units and one residential unit to three residential units.

The Board of Appeals, as authorized by Section 15 of Chapter 40A of the Massachusetts General Laws, heard the application of petitioner noted above at a public hearing, conducted on July 19, 2017. Notice of such public hearing was given by posting in Town Hall, by publication in The Eagle Tribune on June 7, 2017 and June 14, 2017, and by mailing to all parties-in-interest, as defined in Section 11 of Chapter 40A of the Massachusetts General Laws.

During the public hearing, the Applicant requested to amend the Application from three residential units, which is prohibited in the Business District, to two residential units, which are permitted as-of-right.

The Board Grants the **SPECIAL PERMIT** as set forth below:

**FINDINGS:**

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

1. Two-family dwellings are permitted as-of-right by the Groveland Zoning By-Laws in the Business Zone.
2. The lot is does not conform to the lot size and lot frontage requirements but is a legal pre-existing non-conforming lot.
3. The structure does not conform to the front or side setbacks but is a legal pre-existing non-conforming structure.

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<sup>1</sup> The Application references applicable sections of the Groveland Zoning Bylaw in effect prior to April 24, 2017. As the Application was filed with the Town Clerk on May 10, 2017, the Zoning Bylaw, approved at the April 24, 2017 Town Meeting, applies to this application

4. The footprint of the structure will not change except for the addition of an exterior staircase in the rear of the structure.
5. Sufficient off-street parking for two residential units is available on the property.
6. The change in use from two business units and one residential unit to two residential units and the changes to the structure will not be substantially more detrimental to the neighborhood than the existing structure and use. The added staircase will be outside of the required setbacks. The residential uses will generate less traffic than the existing business uses and there is ample parking for the residential uses.
7. No one appeared in opposition to the Application.

**DECISION:**

The Board granted the Applicant's request to modify the Application. The Board voted 4-0 to grant the Applicant a Special Permit for altering and changing the non-conforming structure on a non-conforming lot pursuant to Section 5.2 of the Groveland Zoning Bylaw, by changing the use to two residential units and adding a rear staircase complying with rear setback requirements, based on the Board's finding that the changes will not be substantially more detrimental to the neighborhood than the existing structure and use. Moved by D. MacDonald, seconded by K. Franson

Vote on Motion:

		YES	NO	ABSTAIN	ABSENT
CHAIR	(K. Baily)	X			
MEMBER	(K. Franson)	X			
MEMBER	(D. MacDonald)	X			
MEMBER	(J. Normand)	X			

Any Appeal of this Decision shall be made pursuant to Section 17 of Chapter 40A and shall be filed with the Superior or District Court within twenty (20) days after the date of filing of the above cited Decision with the office of the Town Clerk. Procedural appeals shall be taken in accordance with Section 17 of Chapter 40A.

  
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 Chairperson

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.