



Town of Groveland Zoning Board of Appeals

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.

DECISION FOR SPECIAL PERMIT APPLICATION #2019-2

Application of: ANFEH, LLC c/o Fadi Issa
4 Holly Lane
Groveland, MA 01834

Premises Affected: 929-931 Salem Street
Groveland, MA 01834
Assessors Map 49, Parcel 04 within the Industrial Zoning District

TOWN OF GROVELAND
2019 JUL 16 PM 2: 15
TOWN CLERK
RECEIVED/POSTED

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

Application # 2019-2 was filed with the Board on May 10, 2019 as signified by the Town Clerk's date stamp. The Applicant 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.

Notice of such public hearing was given by posting in Town Hall, publication in The Eagle Tribune on May 22, 2019 and May 29, 2019, 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 #2019-2 at a public hearing conducted on June 5, 2019 and July 10, 2019.

FINDINGS

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

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 proposed use will not have a detrimental impact on the neighborhood.
3. The proposed use will not have an adverse effect on traffic flow and safety, including parking and loading.
4. Applications #2017-4 and #2017-5 were approved by the Board on June 21, 2017 to redevelop the Property's existing commercial/industrial and two-family uses and construct 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 Applicant was also granted a 25-foot variance from the required 50-foot front setback in the Industrial District.

5. The Applicant modified the original plans and 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.
6. On April 7, 2017, the Planning Board granted Site Plan Approval for the proposed project. On May 7, 2019 the Planning Board granted an extension of the Site Plan Approval and deemed the modification insubstantial.
7. On May 3, 2017 the Conservation Commission issued an Order of Conditions for the associated Project. On April 11, 2019 the Conservation Commission voted to accept the revised plans.
8. The Applicant is proposing a coffee shop to occupy the 900SF of space. The coffee shop/restaurant will not contain tables and/or booths for indoor consumption of food or drink.

DECISION

The Board voted 4-0 to approve Application 2019-2 and grant the Applicant a special permit for the use as Restaurant, Fast-Food, to include a drive-through window, on the following terms.

1. If the Applicant wishes to modify the restaurant beyond the approved 900SF, the Applicant shall submit proposed modifications to the Board. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for a special permit shall be required by the Board; provided, however, that the Board may determine that a proposed modification is insubstantial and approve the same without the need for any further Board approval or hearing.
2. The hours of operation are limited to Sunday through Saturday 5AM to 9PM.
3. The Applicant shall receive the proper federal, state and local permits as required for the double-walled underground fuel tanks.
4. The Applicant shall receive the proper state and local permits as required for the service of food.
5. The Applicant shall ensure that site lighting does not spill onto abutting property.
6. The Applicant shall use the lowest possible volume for the drive-through speaker and use careful consideration for the placement of the drive-through speaker in order to limit excessive noise.

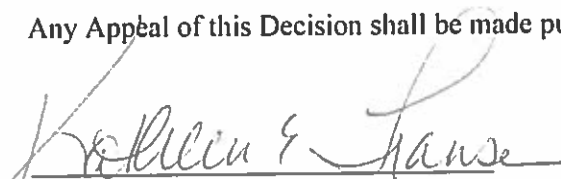
7. This special permit shall not take effect until it has been recorded in the Southern Essex District Registry of Deeds.
8. This Special Permit shall be deemed to have lapsed after July 10, 2022 (three years from the date granted), exclusive of the time required to pursue or await determination of any appeals, unless substantial use or construction has commenced within said one-year period or for good cause as determined by the Zoning Board.
9. The following information shall be deemed part of the decision:


Plan titled: Proposed Automobile Service Station and Convenience Store Map 49
Lot 04 929-931 Salem St. Groveland, MA
Prepared for: ANFEH, LLC c/o Fadi Issa, 4 Holly Lane, Groveland, MA
Prepared by: Choubah Engineering Group, PC, 112 State Road, Route 6, No.
Dartmouth, MA
Date: September 6, 2016 and revised to April 17, 2019
Sheets: 1-16

ROLL CALL VOTE

	YES	NO	ABSTAIN	ABSENT
CHAIR (J. Normand)	X			
MEMBER (K. Franson)	X			
MEMBER (J. Stokes)	X			
MEMBER (C. Goodwin)	X			

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


Kathleen Franson, Vice-Chair


Date