



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
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Clerk

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NOTICE OF DECISION

PROPERTY: 299-301 MAIN STREET

PETITIONER:	Michael Maroney	DATE:	March 19, 2020
ADDRESS:	PO Box 5469 Haverhill, MA 01835	PETITION:	2020-1
		HEARING:	March 4, 2020

YOU ARE HEREBY notified of the Decision of the Board of Appeals on the application made by Michael Maroney (the "Applicant") for property owned by Zong Yang, located at 299-301 Main Street, Groveland, Massachusetts, Assessor's Map 10 Parcel 001, located in the Business District (the "Property").

As set forth in the application filed with the Board and his testimony, the Applicant sought a special permit to use the former gas station building and the property for a restaurant pursuant to the Table of Uses in Section 4.5 of the Town of Groveland Zoning Bylaws. The Applicant is proposing to renovate the existing building to a 68-seat quality restaurant and bar with outdoor patio seating (an additional 24 seats) at the rear of the property overlooking the River. Proposed restaurant hours are Tuesday through Thursday 3PM to 10PM and Friday, Saturday and Sunday noon to 10PM.

The application was filed on February 10, 2020 and the hearing was advertised in the Lawrence Eagle Tribune on February 19, 2020 and February 26, 2020. All abutters were notified Certified Mail Receipt. The Groveland Board of Appeals held a public hearing at the Town Hall, 183 Main Street, Groveland, MA on Wednesday, March 4, 2020 at 7:30 PM.

The following members were present: Jason Normand, Kathleen Franson, Christopher Goodwin, John Stokes.

FINDINGS

The site is severely compact and there is limited space for vehicular travel. The Applicant stated that in an effort to limit vehicular circulation on site, during operational hours, except for the hours of overlap with the post office, restaurant employees will park in the on-site parking spaces. The Board finds it confusing as to how information concerning parking would be distributed to patrons and how this would legally be enforced. Additionally, as the site is already constricted, patrons who attempt to enter the site to explore parking options in the back would need to perform a three-point turn and cause further disruptions to traffic circulation internal to the site.

First-shift employees for the restaurant on Monday through Friday will park in the municipal lot located on School Street. This practice would aim to ensure on-site parking during the hours the post office is operating. While the Board finds that the hours do not conflict with the additional use, there is concern that if the post office were to vacate, any alternative use would pose a conflict with the restaurant.

The Applicant stated that the restaurant will be reservation only. This is in attempt to limit the influx of people to and from the site. The Board finds this condition would be impossible to enforce.

Per the Groveland Zoning Bylaw, the Applicant is required to have thirty (30) parking spaces on site, calculated as follows: 6 spaces for 1,487 SF of floor area (1 space is required for each 250 SF); 17 spaces for 68 seats (1 space per 4 seats); and 7 spaces for 7 employees (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). The Applicant has provided nine (9) parking spaces on site. To allow the proposed reduction in on-site parking, by decision dated January 7, 2020, the Applicant obtained a special permit from the Planning Board under Section 9.4 of the Groveland Zoning Bylaw. The Planning Board based its decision to reduce the on-site parking requirement on the availability of on-street parking and the proximity to a municipally owned lot. Notwithstanding the Planning Board's decision, the Board finds that the parking proposed is inadequate for the use and would have adverse effects on the surrounding property owners and the public outweighing the benefit of the proposed use. There are limited parking spaces available in the Square, which, if used by the restaurant as anticipated, would leave as little as 8% of the public parking in the Square for all the surrounding businesses that need parking. Moreover, if the restaurant was to provide the additional 24 seats for the exterior patio, additional off-site parking would be required. Furthermore, the Board finds that in efforts to adjust the alignment of the curb cut, the relocation of the handicap parking space to the other side of the lot, furthest away from the post office, requires an individual to cross two lane traffic and is not safe.

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 limited to the one driveway location along Main Street. The applicant provided no evidence that access from the adjacent Groveland Square LLC driveway was available to the project site. The Board found that the sight distance, geometry, and layout of the proposed driveway did not allow for safe access and egress to the site for the proposed use. MassDOT created the present 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. The Board finds that the curb cut as situated should not be used for two-way vehicular traffic and prohibits safe traffic flow to and from the site.

For the reasons set forth above, the Board finds that the site is not a suitable location for the proposed use.

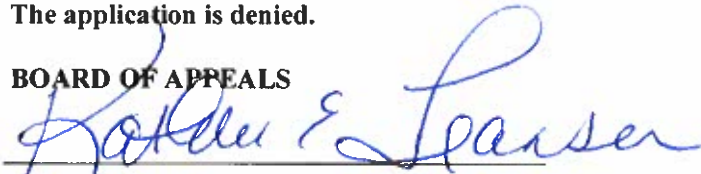
DECISION

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

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

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

BOARD OF APPEALS



Kathleen Franson, Vice-Chair