

Town of Groveland
Zoning Board of Appeals
183 Main Street
Groveland, MA 01834



Jason Normand, Chair
Kathleen Franson, Vice Chair
Chris Goodwin
John Stokes
Matthew Gay

183VH OF GROVELAND
DEC - 1 AM 9:26
OWN CLERK
FIVE 9/POST 200

NOTICE OF DECISION

PROPERTY: 299-301 MAIN STREET

PETITIONER:	Michael Aldred	DATE:	November 18, 2020
ADDRESS:	8 Conrad Terrace Saugus MA 01906	PETITION:	2020-3
		HEARING:	November 18, 2020

YOU ARE HEREBY notified of the Decision of the Board of Appeals on the application made by Michael Aldred (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 requested a variance to utilize the site for the purpose of "Personal use, hobby shop, tool storage, vehicle storage, personal vehicular repair". Section 4.5 of the Groveland Zoning Bylaw does not list a personal use as an allowed use.

The application was received on October 6, 2020 and the hearing was advertised in the Lawrence Eagle-Tribune on October 19, 2020 and October 26, 2020. All abutters were notified via Certified Mail. The Groveland Board of Appeals held public hearings remotely via Zoom video conference on Wednesday, November 4, 2020 at 7:30 PM and on Wednesday, November 18, 2020 at 7:30PM. Remote meetings were held due to Governor Baker's Executive Order of March 12, 2020, and current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus." In order to mitigate the transmission of the COVID-19 Virus, municipalities have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location.

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

FINDINGS

The Building Commissioner issued a letter dated October 6, 2020 stating that the Applicant would need to seek relief in the form of a variance from the Groveland Zoning Board of Appeals prior to the issuance of a building permit for the proposed use.

Section 14.7D of the Groveland Zoning Bylaw expressly prohibits granting of use variances in the Town.

The application seeks a variance, to allow the uses listed, which would make this a use variance. The Building Commissioner interpreted the request made to him for a permit for these uses in the same manner. Section 10 of G.L. 40A provides that "[e]xcept where local ordinances or by-laws shall expressly permit variances for use, no variance may authorize a use or activity not otherwise permitted in the district in which the land or structure is located."

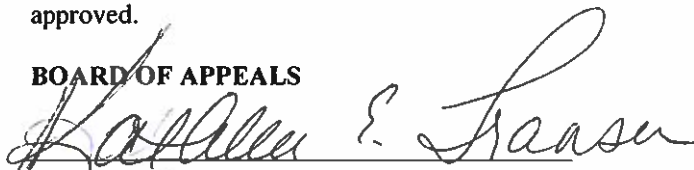
For the reasons set forth above, the Board finds that the Board has no authority to grant the requested variance.

At the meeting on Wednesday, November 18, 2020 the Applicant requested to withdraw the application without prejudice.

DECISION

Kathleen Franson made a motion to allow the Applicant to withdraw without prejudice for Application 2020-3, 301 Main Street and to refund the Applicant the \$400 application fee. John Stokes seconded the motion. A roll call vote was taken. Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. Jason Normand, aye. John Stokes, aye. Motion approved.

BOARD OF APPEALS


Kathleen Franson, Vice-Chair