INSIGHTS + NEWS

Bowditch Secures Favorable Result in Zoning Appeal for Developer for Multinational Coffeehouse Operator

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The Bowditch team obtained a great result recently for a firm client on a zoning appeal. The client, a developer for a multinational coffeehouse operator, had been denied a special permit and site plan approval for a coffee shop/restaurant with a drive-through lane.

A timely appeal to the Superior Court was filed, arguing that the town planning board had ignored favorable traffic studies and their own peer review that supported the development. The board had arguably decided against the proposed development based solely on their own personal views of traffic in the particular intersection.

The Bowditch team convinced the town that it made sense to reconsider the proposed drive-through restaurant, with some negotiated traffic mitigation measures, instead of incurring the cost of continued litigation. A detailed settlement agreement and a court remand order were worked out. The planning board recently issued decisions in favor of the project, to which there was no appeal in the 20-day timeframe. The project was able to get back on track and should become a reality soon!

The Bowditch team was led by Joshua Lee Smith and Tom Scannell.

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