



Town of Groveland Planning Board

2019 MAY 22 AM 11:49

TOWN CLERK
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183 Main Street
Groveland, MA 01834

APPROVED May 21, 2019
MOTION: Lisa Chandler made a motion to approve the May 7, 2019 meeting minutes. Walter Sorenson seconded the motion. The vote was 5-0, unanimous in favor.

Board/Committee Name: PLANNING BOARD
Date: TUESDAY, May 7, 2019
Time of Meeting: 7:30PM
Location: TOWN HALL

Present: Robert Arakelian, Robert Danforth, Walter Sorenson, Lisa Chandler, Brad Ligols (Associate Member)

Absent:

Staff Present: Rebecca Oldham

Public Members: See attached.

Walter Sorenson, Vice Chairman: The Planning Board meeting for Tuesday, May 7, 2019 was called to order at 7:31 PM.

MINUTES APPROVAL

MOTION: Robert Danforth made a motion to approve the April 2, 2019 meeting minutes. Robert Arakelian seconded the motion. The vote was 5-0, unanimous in favor.

INVOICES: Approval of outstanding invoices.

DESCRIPTION	AMOUNT
TEC – 180R Center (Blue Standard Stable)	\$1,578.00
TEC – 301 Main Street	\$780.00
TEC- Oakland Terrace	\$1,650.00

MOTION: Lisa Chandler made a motion to approve the outstanding invoices for TEC's review of 180R Center Street, 301 Main Street and Oakland Terrace. Robert Arakelian seconded the motion. The vote was 5-0, unanimous in favor.

PUBLIC HEARINGS

CONTINUED: 301 Main Street, Zong Yang: *Application for Site Plan Review under Section 13 of the Town of Groveland Zoning Bylaw to utilize the site for Retail-Small, as identified in the Groveland Zoning Bylaw in Section 4.5 Table of Uses. The site is located in the Business (B) Zoning Districts. The proposed project is located at 301 Main Street Groveland, MA 01834 (Assessors Map 10, Parcel 001).*

Tony Capachietto, engineer with Hayes Engineering: The final peer review comments have been issued by TEC and we have tried to address all concerns to the best of our abilities. We are open to limit the number of vehicles on site and the hours, etc. The taking for the bridges caused some severe restrictions on this site. The use being proposed is very low impact. The Post Office has given their approval.

Lee Yang, Applicant/Owner: During the process I changed the use from a hydroponics store to a home improvement store to provide a use more agreeable to the Town. I also reduced parking to make it easier to move around the site. I reduced to 10 and then there is off street parking that can accommodate the additional 7 parking spaces.



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Peter Ellison with TEC, Peer Review Engineer: They are trying to do the best they can with the site. By eliminating some of the parking spaces they are proposing to open up the front area of the lot for better internal circulation. However, there are still concerns with the driveway including site distance, geometry, layout in comparison to the site, etc. which all have impacts on the safe access and egress to the site.

Robert Danforth: No issues with the use of the facility. It's the curb cut. There can't be any on road delivery - trucks parking on Main Street. A tractor trailer truck trying to maneuver the site is impossible.

P. Ellison: The Board could make this a condition in their approval -no tractor trailers on site.

L. Yang: I received a lot of opinions about the driveway. So I reached out to MassDOT. The guardrail is actually on my lot and because of this we are going to work on getting the curb cut improved. I am trying to get the lot to function by itself and the Board can put that into a decision. I think it's the right thing to do.

Walter Sorenson: We can condition the approval for improvements to the curb cut contingent upon MassDOT approval and receipt of updated plans.

PUBLIC COMMENT

Greg Stark, One Off of King Way: Read letter into record –

I would like to share my concerns about the gas station property at 299 Main Street. As a fellow business person, I sympathize with the need to establish income on a commercial property. But, I do not agree we should allow any compromises which impact our small town square. We should not set a precedence of functionality & aesthetics problems moving forward. From my experience of talking with town's people, they would like see a use which utilizes the river front property as a complement to the beautiful Elm Park. The goal should be an articulate professional plan which everyone could be proud of. This property is a center piece of our square and should be representative of our community.

Points of concern

- 1) An obvious misplaced state curb opening in the middle of Rt113 Signal stop area.*
- 2) Unclear usage and lack of a professional building improvement plan.*
- 3) In adequate parking & maneuvering for postal trucks, postal patrons plus... needs of unspecified use of an auto garage in major dis-repair.*

Last word - I am very concerned that the town does not make compromises which they will regret in the long run. Groveland town square has very obvious parking issues. Presently there is not a completed study or resolution to the parking problem. This sounds like we will be adding to an existing problem.

James Bevelacqua 26 Coleman Road: The gentleman was not left this problem. He bought this problem. This existed when he bought that property. They said it was the best they can do but that isn't good enough and that isn't going to be safe. The hardship was paid to the previous owner and the hardship continues even though she has moved on and now the hardship even extends to the abutters. You should not depend on the neighbor's property – I would not count on that. Any moving of the guardrail is going to cause more of a safety concern. It is bad enough as it is and you are asking about adding more. I don't see how adding more will make it better.



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Brian Connell, Norwood Insurance 291 Main Street: I recently joined the Elm Square Committee, and the biggest issue we talked about was parking. Going out of our way to reduce the spots by 7 spaces is not productive. I am here representing the property owner Groveland Square LLC, Anne Bevelaqua, my mother in law and Norwood Insurance. I am not out there clicking to figure out who is a customer. We don't want it to come to that. The access that actually exists today is a mess. We are not looking to set up a fence or a gate and monitor. However, we reserve the right to do that. The property was purchased for \$375K by Lee. DOT paid \$600K, market value for that building, at the taking. The hardship was paid for. The Post Office was listed at \$389K approximately 10 years ago. The land became useless from a commercial standpoint. We are not in support of this, we are the ones that are going to bear the burden for whatever is decided here. We didn't get those funds when they built that bridge. We received nothing and we have the hardship. I don't think the existing request is a valid one.

W. Sorenson: The Elm Square Committee originally looked at the parking issue. Greg, were there any suggestions that came out of that?

G. Stark: I believe the Planner recently got a grant for this?

Town Planner: The Elm Square Committee was reformed in March of this year. The original committee was tasked with looking at this specific parcel only. The current committee is looking at revitalization initiatives for the square as a whole. The Town received a \$15,000 grant, from DHCD under the Massachusetts Downtown Initiative (MDI) program, to fund consulting services to assist in the review of the economic conditions of the Elm Square area and assess the potential for new business. While a parking study is not part of this, I am currently conducting a "grassroots" parking study with the Committee which will help us evaluate the situation more closely. I will be managing the grant and working with the state and their consultant.

W. Sorenson: This is the worst possible site. There is definitely a parking problem. We don't have an opinion from MassDOT. I think we have a couple of loose ends to close up. Want to do a site walk and meet with one of the engineers out there? I'm confused of the business going in there.

B. Connell: I did contact the DOT. There were conditions in the appraisal and part of that was the curb cut was only for employees of the Post Office. But the appraisal or conditions were never recorded at the Registry of Deeds. Regardless, this is not going to change the egress and ingress of the site. Through my research I was informed that during the construction phase DOT realized they eliminated the curb cut in its entirety. It was a mistake. The existing curb cut was an afterthought and it does not work. There are a lot of safety issues. We will pay the price because people will come to our driveway. And we will need to address that. We have a business with a 1,000 customers we need to serve, we do have other parking we can use.

W. Sorenson: The decision will state they cannot use your driveway. Instructed the Town Planner to make a formal written request to MassDOT on the reason for constructing the curb cut as is.

Town Planner: We only have a signed continuance until May 26th. It has been over 120 days since we opened the hearing on this matter and well over the 90 days under MGL c.40A section 9. I would caution the Board on time requirements.

W. Sorenson: The Applicant will just need to grant an extension.

T. Capachietti: We could go out to the site and spray paint a parking layout for the Board to review. We can also regroup and provide three definitive business options that could occupy the site.

BOARD: Scheduled a site visit for Friday, May 10th at 2PM.



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MOTION: Lisa Chandler made a motion to CONTINUE the Public Hearing for 301 Main Street for Site Plan Approval to May 21, 2019. Robert Arakelian seconded the motion. The vote was 4-0, unanimous in favor.

DISCUSSION & POSSIBLE VOTE

Homestead Lane, Craig Weaver: Drainage complaint.

R. Danforth: I, Bob Arakelian and Brad Ligols attended the site on April 26th and met with Craig Weaver, Larry Kelley and Steve Dehullu. We walked the site and it had been raining. We found no runoff on the site onto his property. We walked all the way to the fence. The drainage swales are in. There is even a natural drainage swale on his lot. All of the water he is seeing is natural run off from heavy rain for the last 2 months and over the years. In his basement, I even lifted his sump pump hole up and the stone is perfectly dry. And we had a wet week that month.

Brad Ligols: We expected to go up there and sink but there wasn't any puddling and there wasn't any mud. There is swale up top and it disperses water on both sides before it goes to his house. It's all natural. If anything the driveway is pitching to the house.

Robert Arakelian: The bulk head is the lowest point of the lot. It's a groundwater issue.

R. Danforth: The whole thing is natural. There is nothing that we can do to fix this.

W. Sorenson: *Condition 28: Prior to issuance of building permits, a site plan for each lot indicating the proposed house, driveway, methods of infiltration and proposed grading to insure the assumptions made in the stormwater analysis shall be submitted to the Planning Board for review by their consulting engineer.* These plans need to be submitted. We have not accepted the roadway yet and can hold on acceptance until these plans are received. But we still need to fix this problem. Mr. Weaver you need to work with the developer and figure out how you can work together.

MOTION: Lisa Chandler made a motion for the owners of Homestead Lane to submit the drainage plans as required under condition number 28 of the approved Memorandum of Decision. Robert Arakelian seconded the motion. The vote was 4-0, unanimous in favor.

929-931 Salem Street, Halim Choubah & Fadi Issa: Site Plan application.

Town Planner: On April 7, 2017, the Planning Board approved an application for Site Plan Approval. Per Section 13.8 of the Groveland Zoning Bylaw: *Site plan approval shall lapse after one year from the grant thereof if a substantial use thereof has not sooner commenced except for good cause. Such approval may, for good cause, be extended in writing by the Planning Board upon the written request of the applicant.* The Applicant and his engineer are looking for guidance from the Board. 1.) Since the Site Plan Approval has expired does the Board accept the argument that substantial site work was completed, such as the demolition of existing structures and site clearing, and the Site Plan Approval can be extended through a vote. 2). If the Site Plan Approval is extended whether these modifications proposed would be deemed substantial or insubstantial. A substantial change would require the Applicant to file a modification. Or option 3.) the Site Plan Approval has expired and the Applicant needs to file a new application.

Carlos Santos engineer with Choubah Engineering Group: Outlined the proposed changes.

1. Reduced building size from 8,000 square feet to 7,250 square feet.
2. Eliminated previously proposed 2 body shop bays (a repair bay and a spray booth).
3. Added a coffee shop with a drive up window in the Convenience Store.
4. 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.



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5. Replaced approximately 1,800 square feet of paved surfaces along the southerly side and southwest corner of the proposed building with landscape.
6. Moved edge of parking along the southerly side of the proposed building 6 feet away from wetlands edge to provide additional buffer from wetlands.
7. Moved edge of parking along the southwesterly corner of the proposed building 10 feet away from wetlands edge to provide additional buffer from wetlands.
8. Replaced proposed aboveground fuel tanks with double walled underground fuel tanks and moved away from 100' wetlands buffer.

Town Planner: The proposed changes have been reviewed and approved by the Conservation Commission at their meeting in April. The Applicant will need to go before the ZBA for a special permit for the Drive-Through.

BOARD: There was definitely work done there which you can see by driving past the site. Was there a building or demolition permit pulled for this work?

C. Santos: We will need to look in our files and will send you the proper permits.

MOTION: Lisa Chandler made a motion to approve the extension of the Site Plan Approval for one (1) year from today's date (May 7, 2020) contingent upon the receipt of the building permit to prove substantial work has commenced. Robert Arakelian seconded the motion. The vote was 4-0, unanimous in favor.

MOTION: Robert Danforth made a motion to approve the modifications to the plan and finds the changes insubstantial. Robert Arakelian seconded the motion. The vote was 4-0, unanimous in favor.

BUSINESS

Escrow Account Update

Town Planner: There are three old escrow accounts that need to be closed, Valley Farm, Sprint PCS-Cell Tower and Cingular.

MOTION: Lisa Chandler made a motion to close the open escrow accounts for Valley Farm, Sprint PCS-Cell Tower and Cingular. Robert Danforth seconded the motion. The vote was 5-0, unanimous in favor.

Mullin Rule

Town Planner: At the annual Town Meeting the Town voted to accept the provisions of Massachusetts General Laws, Chapter 39, Section 23D, in its present form and as subsequently amended, for boards, committees, or commissions holding adjudicatory hearings in the Town, which statute provides that when a public body holds an adjudicatory hearing any member thereof shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received, provided that before any such vote, the member shall certify in writing that the member has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. I believe it would be beneficial to also have the Planning Board adopt this policy.

MOTION: Robert Danforth made to accept the provisions of MGL c.39 Section 23D, the Mullin Rule. Robert Arakelian seconded the motion. The vote was 5-0, unanimous in favor.

ADJOURNMENT

MOTION: Robert Danforth made a motion to adjourn the meeting. The motion was seconded by Brad Ligols. The vote was 5-0, unanimous in favor. Meeting adjourned at 8:55PM.

SIGN IN - PBMTG 5/7/2019

NAME

ADDRESS

Zong Yang

307 Main St

CARLOS SANTOS

929-931 SALEM ST.

AD: T. ISSA

4 Holly Lane

BRYAN CORNWELL

293 Main St.

James Bevelacqua

20 Colver Rd