



# Town of Groveland Planning Board

183 Main Street  
Groveland, MA 01834

**APPROVED October 1, 2019**  
MOTION: Lisa Chandler made a motion to approve the September 17, 2019 meeting minutes. Brad Ligols seconded the motion. The vote was 5-0, unanimous in favor.

Board/Committee Name: PLANNING BOARD  
Date: TUESDAY, SEPTEMBER 17, 2019  
Time of Meeting: 7:00PM  
Location: TOWN HALL

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

Robert Danforth, Chairman: The Planning Board meeting for Tuesday, September 17, 2019 was called to order at 7:04PM.

## MINUTES APPROVAL

**MOTION:** Robert Arakelian made a motion to approve the August 20, 2019 meeting minutes. Brad Ligols seconded the motion. The vote was 4-0, unanimous in favor.

## INVOICES: Approval of outstanding invoices.

DESCRIPTION	AMOUNT
TEC – 180R Center (Blue Standard Show Stables)	\$2,289.30
TEC – Nelson Street (Storage Facility)	\$1,334.80

**MOTION:** Robert Arakelian made a motion to approve the outstanding invoices for 180R Center Street and Nelson Street. Lisa Chandler seconded the motion. The motion passed with 3 votes in favor, and 1 abstention (Brad Ligols).

## PUBLIC HEARINGS

**CONTINUED: 733 Salem Street, Dehullu Homes:** *Application for a three (3) lot Definitive Subdivision Plan titled Oakland Terrace and Maple Meadow Lane in accordance with M.G.L. Chapter 41, Section 81O and the Town of Groveland Subdivision Rules and Regulations with associated Stormwater Management & Land Disturbance Permit under Article 14 of the Groveland General Bylaws. The site is located in the Residential 1 (R-1) and Residential 2 (R-2) Zoning Districts. The proposed subdivision is located at 733 Salem Street Groveland, MA 01834. (Assessors Map 39, Parcel 68).*

R. Danforth: The Applicant has requested a continuance until the next meeting.

**MOTION:** Lisa Chandler made a motion to CONTINUE the Public Hearing for 733 Salem Street for a three (3) lot Definitive Subdivision to October 1, 2019. Brad Ligols seconded the motion. The vote was 4-0, unanimous in favor.

**NEW: 245 Center Street (142 King Street), William and Heather Klosowski:** *Application for a one (1) lot Definitive Subdivision Plan labeled Subdivision for 245 Center Street. The site is located in the Residential 1 (R-1) Zoning District. The proposed subdivision is located at 245 Center Street Groveland, MA 01834. (Assessors Map 26, Parcel 23)*

Lisa Chandler: I will need to recuse myself from this discussion as I am a direct abutter to the project.

**MOTION:** Robert Arakelian made a motion to OPEN the Public Hearing for 245 Center Street for a one (1) lot Definitive Subdivision. Brad Ligols seconded the motion. The motion passed with 3 votes in favor, and 1 abstention (Lisa Chandler).

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**Richard Freiberg with TEC, Peer Review Engineer:** The proposed project is to construct a one lot subdivision at 245 Center Street. We reviewed the project and noted the following: the proposed project will require a NOI filing with the Town of Groveland Conservation Commission for grading and clearing within the 100-foot wetland buffer zone. The Applicant should coordinate the design of the new septic system with the Town of Groveland Board of Health. The Applicant should provide a limit of work for both sides of the proposed driveway, and around the proposed single family house to provide a total square footage of earth disturbance as part of the project- if the disturbance exceeds 20,000 square feet, the Applicant will need to apply for a Land Disturbance Permit. The Applicant should provide a drainage design for the proposed driveway. Approximately 350 feet of the driveway will flow towards King Street. This stormwater runoff should be intercepted before flowing to the street. The Applicant should provide a typical cross section for the proposed driveway, including drainage and other utilities, if applicable. The Subdivision Plan should show the location of proposed utilities including water, electric, gas, etc. Lastly, there are a few plan edits that need to be made for clarification purposes including clarifying items in the waiver list.

**William Klosowski, Applicant:** This is a request for a one lot subdivisions on a 10-acre parcel. The driveway will be on King Street with a turnaround that is currently being reviewed by the Fire Department. The route of the driveway would follow the path of least resistance and the intent is to limit the amount of disturbance and preserve the site in its natural state. Similar to what was done for our driveway on Center Street. The stormwater has not yet been addressed.

**Stephen Girard, 241 Center Street:** So there is going to be stormwater on Center Street and not King Street?

**W. Klosowski:** I used Center Street as an example and to show that there was limited cutting and disturbance. We will address stormwater management on the site at King Street.

**Henry Troville, 4 Pheasant Lane:** what will the driveway material be?

**W. Klosowski:** Gravel.

**Henry Troville, 4 Pheasant Lane:** So when its windy what are you going to do for the dust?

**W. Klosowski:** We have a gravel drive now and it does not cause an issue.

**Joseph Chanler, 140 King Street:** 142 King Street was originally designed to be a street for a 4 lot subdivision but the land is very wet so the full project was never constructed. Additionally, there is a lot of ledge on the property. The ledge is so large it comes onto my property. The blasting when they developed Pheasant Lane was awful; and that was further away from my property. The applicant even got a permit to access the site from Center Street because the conditions of the access on King were so poor. But now that they want to subdivide the lot, the access is not an issue? I'm concerned about drainage, ledge and the slope on the site. What can be done to mitigate the blasting? The Order of Conditions for their culvert crossing said they could not alter the wetlands on the site in perpetuity. It also said they could not use salt. How are they getting away with this plan? How does the driveway create frontage for the street? This is a driveway not a street?

**Andrew Plummer, 10 Pheasant Lane:** I am concerned about the environmental impact – the wetlands and the proposed work in the buffer zone and even the leaching field location. I am also concerned about the wildlife habitat and want to know if any communication has been made with Natural Heritage. I also want to know how they are able to proceed with this work given the conditions set forth in the permit issued for the culvert crossing. The leach field being proposed is right behind my lot and if there is a failure that would directly flow into my lot due to the topography of the land. The other issue is with the ledge and whether or not there is going to be blasting and the residual impact of that blasting on my property. I want that in writing as to what protections we would get for



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any of that damage. I am trying to understand how they are getting that ROW. And the turn around? Are they trying to get this ready for additional lots in the future? I am also concerned about why there is no soil testing being done and why they Board would be willing to waive that requirement.

**Town Planner:** The lot cannot further be subdivided due to dimensional requirements. A condition can be placed in the decision restricting any further subdivision of the lot.

**Robert Arakelian:** Lot frontage is measured along the roadway but will not be constructed and will act as a private driveway.

**Heather Klosowski:** We have confirmed and we are not in the endangered habitat. Also we are not crossing and altering any wetlands. We are doing work in the buffer zone.

**Jack Purdy, 6 Pheasant Lane:** Are there any other plan showing the wetlands. Do wetlands change?

**Town Planner:** The Conservation Commission has jurisdiction under the Massachusetts Wetlands Protection Act and the Groveland Wetland Protection Bylaw and Regulations, so matters pertaining to the wetlands are out of the Planning Board's review purview. As noted earlier, the Applicant will need to file a Notice of Intent with the Groveland Conservation Commission for the work being proposed in the buffer zone and within the proximity to the wetlands. They have the expertise to answer those types of questions and it is the Commission that has the authority to issue a decision on the work being proposed that has any potential impact on the wetlands. When the Applicant files a Notice of Intent they will be required to notice abutters and hold a public hearing so you will receive notification when the wetlands concerning this project are being reviewed.

**John Kulungian, 146 King Street:** the driveway will run behind my backyard. This is a rough terrain. There is a lot of ledge and rock. The access proposed is not ideal. There is already a certain level of erosion in that area.

**R. Arakelian:** Will you do blasting?

**W. Klosowski:** I hope we will not have to blast. I can change the elevation with minimal hammering to get what is needed to get through. If blasting has to occur there will be pre-blast survey and it will be controlled.

**Stephen Girard, 241 Center Street:** Buffer zones protect wetlands and water bodies from adverse actions taking place in adjacent upland areas. Adverse actions in the buffer zones of wetlands can often result in changes to the biological, chemical and physical properties of these aquatic resources – including the habitat. So even though the development is not proposed in the wetlands it will most certainly have an impact.

**H. Klosowski:** we are all impacting the wetlands by the development of any land.

**Stephen Girard, 241 Center Street:** The proximity of work in the buffer zone will alter the land through runoff and essentially change the ecosystem. I have a bachelor's degree in biology and just completed a study on this matter. A buffer zone is generally thought of as a buffer against human generated disturbance in areas adjacent to the wetland. In terms of the regulations the buffer zone extends from the wetland edge. The upland adjacent to the wetland is critical to the survival of wetland dependent wildlife.

**Town Planner:** The Massachusetts Division of Fisheries and Wildlife Natural Heritage and Endangered Species program regulates the protection of *endangered* species and requires permitting under their jurisdiction for work proposed in the overlay as shown on the MassGIS Oliver map. The proposed area is not under the overlay and currently being monitored for endangered wildlife. But as stated earlier, any discussion as to the work in the buffer zone and the impact to the wetlands and the habitat within the wetlands is under jurisdiction of the Conservation Commission.



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**MOTION:** Robert Arakelian made a motion to CONTINUE the Public Hearing for 245 Center Street for a one (1) lot Definitive Subdivision to October 1, 2019. Brad Ligols seconded the motion. The motion passed with 3 votes in favor, and 1 abstention (Lisa Chandler).

**NEW: 301 Main Street, Mike Maroney:** *Application for Site Plan Approval and a Reduction in Parking Special Permit to utilize the site for a restaurant with associated site improvements. The site is located in the Business (B) Zoning Districts. (Assessors Map 10, Parcel 001)*

**MOTION:** Lisa Chandler made a motion to OPEN the Public Hearing for 301 Main Street for a Site Plan Approval and Parking Reduction Special Permit. Brad Ligols seconded the motion. The vote was 4-0, unanimous in favor.

**Mike Maroney, Applicant, with a principal office address of 359 Main Street in Haverhill:** We are proposing a 60 seat restaurant with seasonal outside seating to take advantage of the River. We plan to change the existing façade and will invest substantial money in order to make these improvements. The plan is to have the restaurant open on Tuesday through Thursday 3PM to 10PM and Friday, Saturday and Sunday noon to 10PM. From 6AM to 3PM we will open the lots for the public to park with a 15-minute parking limit and the Post Office will have designate parking with signage. We would like to share the parking with our neighbors Norwood Insurance and will not use their property. Our employees will be parking at the Light Department/municipal lot on School Street. Most restaurants do not have onsite parking. For example, The Spot in Georgetown and even those restaurants in Haverhill. If the place is accessible, people will walk there. This would be a great opportunity, and can be seen in two different directions to and from Town. The change of the handicap ramp will provide a better curb cut and traffic will be on off peak hours. I submitted a rendering to the Board and I also submitted a plot plan with a parcel outlined in green. This parcel is owned by the Town but there is currently no way to access this parcel. I know there has been talks of dock space so I would grant the Town an easement to that property. We will be preparing a parking plan for the next meeting and we will be looking for a waiver for the required number of spaces. A traffic study will also be incorporated into the next meeting. This is an asset for the Town and will provide more activity and more businesses and help fill vacancies - we will have an active river front. I must add for the record, any parking negotiations and concessions submitted with this proposal are not subject to any future applications for this site.

**Brian Connell, 291 Main Street, Norwood Insurance:** I like what I heard and it sounds like an improvement as to what is there today. The concern is still the parking and the curb cut. The key concern has always been the curb cut and the overall safety of vehicular and pedestrian traffic at the site. I agreed not to close our driveway to get a fair assessment of the existing traffic conditions during the original traffic study. I believe if we did close the driveway you may see a vastly different situation than what was shown. So I am asking that we have another traffic study and we close down our driveway. Overall, I think the proposal would be an improvement but it is a difficult spot.

**Brad Ligols:** Are you going to submit a revised site plan? This is the same plan that was used for the retail small application.

**M. Maroney:** This initial hearing is a fact finding mission to see if the Town is amenable to the idea of a restaurant. Now that we have received some positive feedback we will make all the necessary revisions and get the necessary reports.

**L. Chandler:** I need the actual site plan and traffic study in order to be able to offer an opinion.

**B. Ligols:** Did we ever get an update from MassDOT on the curb cut?



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**Town Planner:** We did not. The Applicant withdrew without prejudice and this is a new application. So the new Applicant should contact MassDOT with the new proposal and new site plan and provide the Board with any comments.

**Don Greaney with Applied Graphics Inc.:** I know over the years the Town has tried to use this site. But parking is an issue. All the parking that is downtown is designated to the buildings in existence. At one point I know one of the former tenants at the Groveland Diner tried to make a deal with the Tumbling Academy to utilize their lot during off hours and the owner did not agree and the tenant at the Groveland Diner went under. Parking is clearly an issue.

**Greg Stark, 306 Main:** Just an observation, of what type of "small" trucks you will see delivering to the site, the Groveland Diner had 18 wheelers driving up to the site. They were fairly on the big side. I welcome the idea of a new restaurant but I would be careful of parking and I am still concerned about the curb cut and how that will all work.

**Don Greaney with Applied Graphics Inc.:** Is there going to be a liquor license?

**M. Maroney:** Yes, we intend to apply for a liquor license through the Board of Selectmen.

**Don Greaney with Applied Graphics Inc.:** The municipal lot at 23 School Street is near a residential area. That doesn't sound like a good idea.

**MOTION:** Lisa Chandler made a motion to CONTINUE the Public Hearing for 301 Main Street for a Site Plan Approval and Parking Reduction Special Permit to October 1, 2019. Brad Ligols seconded the motion. The vote was 4-0, unanimous in favor.

## **DISCUSSION & POSSIBLE VOTE**

**Town Water: Water and Sewer Commission Chair, Jim Sheehan and Superintendent, Colin Stokes**

**R. Danforth:** Jim Sheehan had a family emergency and will have to reschedule.

## **BUSINESS**

### **Board Rules and Regulations**

**Town Planner:** I noted the Board did not have any Rules and Regulations, other than the Subdivision Rules and Regulations, and under MGL c. 40A. §9 it requires a Special Permit Granting Authority to adopt rules relative to the issuance of special permits. Additionally, per section 14.6.3 of Article 14 of the General Bylaw: The Board may adopt, and periodically amend rules and regulations... That being said I also thought it would be a great opportunity to address the Special Permit fee. As currently written in the fee schedule it is \$5,000 plus \$100/unit, the intent was most likely to charge a fee for the CSD and PUD filling's. However, we have other special permits, such as the Aquifer, Parking Reduction and Inclusionary. While the inclusionary does not warrant a fee the other two should have a filing fee in order to process. A draft was sent out with the agenda on Thursday but if the Board would like more time to review them I can put this item on the agenda for next meeting?

**BOARD:** Discussed drafted Rules and Regulations. Agreed on the fee clarification and set the fee for \$500.

**MOTION:** Lisa Chandler made a motion to adopt the drafted Rules and Regulations and set the fee for the Aquifer Protection District Special Permit and Parking Reduction Special Permit at \$500. The motion was seconded by Brad Ligols. The vote was 4-0, unanimous in favor.

## **ADJOURNMENT**

**MOTION:** Lisa Chandler made a motion to adjourn the meeting. The motion was seconded by Robert Arakelian. The vote was 4-0, unanimous in favor. Meeting adjourned at 8:20PM.