

# Town of Groveland Zoning Board of Appeals

183 Main Street  
Groveland, MA 01834



Jason Normand, Chair  
Kathleen Franson, Vice Chair  
John Stokes  
Christopher Goodwin  
Matthew Guy

**APPROVED on November 18, 2020**  
MOTION: Chris Goodwin made a motion to approve the November 4, 2020 meeting minutes as amended. Kathleen Franson seconded the motion. A roll call vote was taken. Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. Jason Norman, aye. John Stokes, aye.

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Board/Committee Name: ZONING BOARD OF APPEALS  
Date: WEDNESDAY, NOVEMBER 4, 2020  
Time of Meeting: 7:30PM  
Location: REMOTE MEETING VIA ZOOM VIDEO CONFERENCE

2 Present: Kathleen Franson, John Stokes, Chris Goodwin

3 Absent: Matthew Guy, Jason Normand

4 Staff Present: Rebecca Oldham, Sam Joslin

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6 Kathleen Franson, Vice Chair: The Zoning Board of Appeals meeting for Wednesday November 4,  
7 2020 was called to order at 7:40PM.

8

9 Kathleen Franson, Vice Chair: This Open Meeting of the Groveland Zoning Board of Appeals is being  
10 conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the  
11 current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus." In  
12 order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the  
13 Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the  
14 requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location.  
15 Further, all members of public bodies are allowed and encouraged to participate remotely. For this  
16 meeting, the Groveland Board of Appeals is convening by video conference via Zoom as posted on the  
17 Town's Website identifying how the public may join. Please note that this meeting is being recorded,  
18 and that some attendees are participating by video conference.

19

## 20 PUBLIC HEARING

21 NEW: Application #2020-3, 301 Main Street, Mike Aldred: requesting a variance to utilize the site for  
22 the purpose of "Personal use, hobby shop, tool storage, vehicle storage, personal vehicular repair".  
23 Section 4.5 of the Groveland Zoning Bylaw does not list a personal use as an allowed use. The site is  
24 located in the Business (B) Zoning Districts. The proposed project is located at 301 Main Street  
25 Groveland, MA 01834 (Assessors Map 10, Parcel 001) and owned by Zong Yang, 10 Bluejay Road,  
26 Lynnfield, MA 01940.

27 **MOTION:** John Stokes motioned to OPEN the public hearing for Application 2020-3, 301 Main  
28 Street. Chris Goodwin seconded the motion. A roll call vote was taken. Voting aye: Chris Goodwin,  
29 aye. Kathleen Franson, aye. John Stokes, aye. Motion approved.

30 K. Franson: So that we can walk through the requirements I am going to have the Town Planner read  
31 the criteria for granting a variance.

32 Town Planner: A variance from the terms of this By-law may be granted only where the Board of  
33 Appeals specifically finds that:

34

- 35 • Owing to circumstances relating to the soil conditions, shape or topography (but not size) of  
36 such land or structures, and especially affecting such land or structures (but not affecting  
37 generally the zoning district in which it is located), a literal enforcement of the provisions of  
38 this By-law would involve substantial hardship, financial or otherwise, to the petitioner; and
- 39 • Desirable relief may be granted without substantial detriment to the public good, and without  
40 nullifying or substantially derogating from the intent or purpose of this By-law.
- 41 • Failure to establish any of the standards shall constitute grounds to deny a petition for a  
variance. A variance may not be granted if the circumstance creating the hardship was self-

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- 42 created. The loss of the protection afforded a nonconforming use under the provisions of this  
43 By-law is not a substantial hardship justifying the grant of a variance.
- 44 Mike Aldred: We are interesting as using the garage as a personal use. It is not being used right now.  
45 This is a personal use. We figured it would be the same as if the owner was using for a personal use.  
46 So, we moved in and it was determined it was not allowed. So, we would like to work on personal cars  
47 and tool storage.
- 48 K. Franson: Are you doing any repairs on the site. What are the daily activities?
- 49 M. Aldred: I have older antique vehicles so we would like to have some place to store them and then  
50 also repair of such. Not costumer just our own vehicles. There will be repairs but on our personal  
51 vehicles.
- 52 K. Franson: Would there be any vehicles on the exterior?
- 53 M. Aldred: No, just inside. Our personal vehicles to drive in and then whatever we are working on  
54 would be inside. We did black out the windows so you would not see inside.
- 55 K. Franson: There is parking issues and traffic circulation. So, the parking is adequate for the Post  
56 Office but nothing else. So that has been an issue before us before. Now let's hear from the Building  
57 Commissioner.
- 58 Sam Joslin, Building Commissioner: As stated the gentlemen occupied the building and they were told  
59 they needed to leave and the building was posted. They have contacted an architect to go through the  
60 building to make sure it can be brought up to code. The reason the application is before you tonight is  
61 because the use is not allowed and it needs a variance. So, anything that is not listed in the table is not  
62 allowed.
- 63 John Stokes: So, you will not be parking any vehicles outside?
- 64 M. Aldred: Yes, just the two of our personal vehicles to travel to the building.
- 65 J. Stokes: Storage of flammables?
- 66 M. Aldred: No.
- 67 K. Franson: There are conservation concerns, I'm sure. Since the property is located right next to the  
68 River. So, I am concerned about the storage of oil and fuel.
- 69 J. Stokes: Sam, are you concerned about the blacked-out windows?
- 70 S. Joslin: No, not necessarily. It would be more so with noise and odor. I am more concerned about the  
71 legality of the use of the site so that the Board has standing.
- 72 K. Franson: I am going to have the Administrator read the requirement for a variance. I just wanted to  
73 be upfront with you to see what the criteria is for grating a variance. Are there any further comments?
- 74 Lee Yang, Owner: This site has been very difficult. This site has cost me over \$70K in engineering  
75 fees. This use is the best for everyone. I want to work with the Town and make it better for everyone.  
76 This site will not impact anyone.
- 77 **PUBLIC COMMENT**
- 78 **Brian Connell 293 Main Street**: My chief concerns are the fact that our property is mixed-use which  
79 is commercial and residential. So, the smell the noise and all of those things are alarming. The  
80 financial hardships have not been addressed. There are other options for this type of use just across the  
81 bridge. We would not be supportive of this use, especially since the use has been removed from the  
82 allowed uses.
- 83 **Mike Dempsey**: I just wanted to add that I think it's sad this site, where many and many monies was  
84 spent by the Getty Company to clean up the site, is now a clean site and has been given a clean bill of  
85 health. But now we are looking to put another car shop back in there. It has nothing against the tenant.
- 86 K. Franson: Do we have noise regulations?
- 87 S. Joslin: The Use Table has hours of operation.
- 88 K. Franson: But there are no quiet hours?

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- 89 S. Joslin: Not really. It comes down to disturbing the peace.
- 90 **Sharon Johanson, 281 Main Street**: My concern was it being an eye sore as an abutter. It seems to be  
91 a low impact use which is preferred as opposed to the other proposed uses, such as a restaurant.
- 92 M. Aldred: We don't want it to be an eyesore and we don't want to have a rundown building in the  
93 spotlight. So, we will keep it clean.
- 94 **BOARD**: If there is no outdoor storage and there is caution with the materials on site. Conditions:  
95 non-commercial use and tools and vehicles are stored indoors, no flammable substance on the  
96 property. In terms of hours, 7AM to 10PM operation and then noise hours 8AM to 8PM. There should  
97 be a periodic inspection by the Building Commissioner. Now to discuss the hardship.
- 98 Town Planner: Before the Board moves forward, I think the Board should be aware that Section 14.7D  
99 of the Zoning Bylaw specifically states, *The Board of Appeals shall not hear, decide or grant use*  
100 *variances from the provisions of this By-law*. So, after reading that I am of the understanding that this  
101 application must be denied.
- 102 **BOARD**: Should this application have been a Special Permit instead of a variance?
- 103 Town Planner: I am of the understanding that since there is no process to allow a use that is not listed  
104 in Table 4.5 and adhering to the footnote stating that, uses not specifically set forth herein shall not be  
105 allowed within the Town of Groveland, that this too would not be possible.
- 106 **BOARD**: How would this request be eligible? What course of action would the Applicant have to  
107 proceed?
- 108 Town Planner: I believe that this matter is something that must be changed through the Town Meeting  
109 process to amend Table 4.5 to include said use within the zoning district. I'm not sure it could be an  
110 appeal of the Building Commissioners decision.
- 111 **BOARD**: Let's get confirmation from Town Counsel.
- 112 **MOTION**: Kathleen Franson motioned to CONTINUE the public hearing for Application 2020-3, 301  
113 Main Street until November 18, 2020. John Stokes seconded the motion. A roll call vote was taken.  
114 Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Motion approved.
- 115
- 116 **MEETING MINUTES**: Approval of October 21, 2020 meeting minutes.
- 117 **MOTION**: Kathleen Franson made a motion to approve the October 21, 2020 meeting minutes as  
118 amended. Chris Goodwin seconded the motion. A roll call vote was taken. Voting aye: Chris  
119 Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Motion approved.
- 120
- 121 **ADJOURNMENT**
- 122 **MOTION**: Kathleen Franson made a motion to adjourn the meeting. The motion was seconded by  
123 John Stokes. A roll call vote was taken. Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John  
124 Stokes, aye. Motion approved. Meeting adjourned at 9:04PM.