

TOWN OF GROVELAND

2017 MAY -5 AM 10:13

TAX COLLECTOR



**TOWN OF GROVELAND
ZONING BOARD OF APPEALS**

**SPECIAL PERMIT DECISION UNDER SECTION 6 OF THE MASSACHUSETTS
ZONING ACT AND SECTION 106 OF THE GROVELAND ZONING BYLAWS
APPLICATION #2017-1**

YOU ARE HEREBY notified of the Decision of the Board of Appeals on the application made by Eric W. Harper, Trustee of Esty Park Trust (the "Petitioner") for property owned by the Trust located at 441 Main Street, Groveland, Massachusetts Assessor's Plat # 24 Lots # 8 and #9 (the "Property").

Application # 2017-1 was filed with the Board on February 10, 2017 as signified by the Town Clerk's date stamp. A revised site plan, referenced below and attached hereto, was submitted to the Zoning Board on March 22, 2017.

The Board, as authorized by Section 15 of Chapter 40A of the Massachusetts General Laws, heard the application of Petitioner at a public hearing conducted on March 1 2017, April 5, 2017 and May 3, 2017.

Notice of such public hearing was given by Town Hall posting, newspaper publication and certified mail to all parties in interest as defined in Section 11 of Chapter 40A of the Massachusetts General Laws.

Moved by Kathleen Franson, seconded by Jason Norman, the Board voted 3-0 to issue the decision set forth below.

The Board makes the following findings in connection with this Decision:

- A. The Property has been improved and used for commercial and industrial uses since the early 1900s. In 1954, the Town of Groveland adopted zoning and placed the Property within a residential zoning district. As a result, the business located on the Property (Esty's saw mill, lumber yard and hardware store) became a pre-existing non-conforming use.
- B. Historically, Esty's use of the Property included the following: wholesale and retail sales; milling of lumber and manufacture of wood products; fabrication of doors and windows; office and administrative services; accessory repair of motor vehicles and heavy

equipment; open and enclosed storage of building supplies; and warehousing of products for pickup by and delivery to customers (collectively, the “Historic Uses”).

- C. Since purchasing the Property in 2013, the Petitioner has been engaged in its rehabilitation for adaptive commercial usage. Previously, the Board reviewed and approved Phase 1 of the Petitioner’s project including the buildings located in the southwestern portion of the Property. The present application is for Phase 2 of the Petitioner’s project, including the buildings proposed for the northeastern portion of the Property.
- D. Phase 2 consists of three new buildings totaling 17,400 sf of space. Together, Phase 1 and Phase 2 total 87,280 sf of space.
- E. As proposed by the Petitioner, Phase 2 is separated into two segments: a “front segment” located along Main Street to be used for office purposes; a “rear segment” located behind security fencing to be used for “small business support storage” as defined below (collectively, the “Proposed Uses”).

Small business support storage means the care and keeping of equipment, supplies, materials, tools, machines and vehicles owned by persons involved in small businesses and customarily used in the operation of those businesses who periodically pick-up and drop-off stored items for use at sites located off the Property. By way of example, small business support storage serves those in the construction trades who customarily maintain a place for the keeping of supplies and materials that are used in their work at job sites located elsewhere. The “care” of vehicles may include regular maintenance (such as adding fluids and checking tire pressures) but shall exclude major repairs and body work.

- F. The Proposed Uses represent an alteration or extension of the Historic Uses which the Board may allow upon a finding that the former are not substantially more detrimental than the latter to the neighborhood, all as provided under G.L. Chapter 40A, Section 6 and Section 106 of the Zoning Bylaw.
- G. The neighborhood of concern in connection with Phase 2 is a residential subdivision on Wharf Drive and Wharf Lane abutting the northeast side of the Property and the residential area along Main Street. The Board finds that the Petitioner’s project will not increase any adverse effects on this neighborhood for the following reasons:
 - i. The Proposed Uses will eliminate all heavy industrial activities;
 - ii. Unlike the Historic Uses, the Proposed Uses will not involve public access and retail sales on the rear segment of the Property;
 - iii. The Proposed Uses are generally quiet and compatible with the adjoining residential neighborhood;

- iv. The proposed project includes substantial site improvements including a landscaped buffer along the northeast perimeter of the Property, all of which serve to protect and enhance adjoining residential properties; and
- v. All public testimony received by the Board, including all comments from residential neighbors, has been favorable to and supportive of the Petitioner's project.

H. Accordingly, the Board hereby finds that the Proposed Uses will not be substantially more detrimental to the neighborhood and hereby approves the same pursuant to G.L. Chapter 40A, Section 6 and Section 106 of the Zoning Bylaw.

The Board's approval of Petitioner's proposal is subject to the following conditions considered to be reasonable and appropriate under the circumstances:

1. Hours of Operation.

- a) Business operations at the Property will be limited to Monday through Saturday, from 6:30 a.m. to 7:00 p.m.
- b) No business operations may be conducted on Sunday or on any Federal Holiday including: New Year's Day, Memorial Day, Fourth of July, Thanksgiving Day and Christmas Day.
- c) The Petitioner will furnish all tenants a written directive stating that pick-up and drop-off activity is strictly prohibited outside the permitted days and times of operation noted above.
- d) The Applicant will promptly address any neighbor complaint directly with that neighbor and, if unsuccessful in reaching a resolution, will work with the building inspector to resolve the complaint.

2. Scope of Use.

- a) The front building (B-116) will be used for office and/or small business support storage as defined in the Groveland Zoning Bylaw and as defined above in this Decision. Any small business support storage use in B-116 shall be accessed from the rear segment, behind the fence, and no overhead doors shall be visible from Main Street.
- b) The rear buildings (B-117 and B-118) will be used for small business support storage as defined above in this Decision.

- c) Accessory uses will be limited to activities that are subordinate to the primary use and otherwise meet the definition of “Accessory Use” in Appendix B of the Town’s Zoning Bylaws.¹
 - i. Open storage accessory to small business support tenants will be limited to bulk items that are typically kept outdoors, provided that such items (i) are customarily part of a business occupying building space on the Property, (ii) are arranged in a neat and orderly manner, (iii) are confined to paved areas located in the rear segment of the Property, and (iv) are screened from the view of abutting properties and public ways.
 - ii. Fabrication and like processes accessory to small business support storage will be limited to activities that (i) occur indoors, (ii) cannot be seen or heard from outside the Property, and (iii) comply with the “zero impact” standards set forth in the definition of “Light Industry” as appearing in Appendix B of the Town’s Zoning Bylaws.²

3. Access and Parking.

- a) Access to the rear segment of the Property will be gate controlled and limited to the businesses that occupy building space at the Property.
- b) There will be no on-street parking along Main Street. Parking for vehicles on the Property will be provided by the spaces shown on the Site Plan.
- c) In addition to the driveway openings onto Main Street, the Petitioner will retain an open corridor enabling secondary emergency access through a gate from the cul-de-sac at the end of Wharf Lane which shall not be used for general access by tenants or the public.

4. Lighting.

- a) Area-wide lighting will be limited to fixtures cut to illuminate in a downward direction.
- b) Localized lighting will be placed on the sidewall of buildings as necessary to illuminate doorway entry areas.
- c) No lighting will be placed on the back side of buildings facing Wharf Drive or Wharf Lane.

¹ Accessory use or building. Use or building customarily incident to and located on the same lot with the use or building to which it is accessory and not detrimental to the neighborhood.

² Light industry. Fabrication, processing, or assembly employing only electric or other substantially noiseless and inoffensive motive power, utilizing hand labor or quiet machinery and processes, and free from neighborhood disturbing agents, such as odors, gas fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic radiation, heat or vibration.

5. Landscaping.

- a) Phase 2 will include additional landscaping as shown on the Site Plan and shall be installed prior to issuance of a Certificate of Occupancy for building B-116.
- b) The extended berm will be planted with a mix of evergreen trees that match the existing berm.

6. Signage.

- a) All new signs shall be permitted in accordance with the Groveland Zoning Bylaws.
- b) Each building will have one sign that identifies the building number.

7. Related Zoning Relief.

- a) Petitioner's project (Phases 1 and 2) received Site Plan Approval and an Aquifer Protection Special Permit from the Planning Board under a Decision dated July 7, 2015, filed with the Town Clerk on July 9, 2015. A minor modification to the Site Plan was approved by the Planning Board on March 7, 2017.
- b) To avoid redundancy, eliminate conflict and ensure consistency among zoning decisions, all provisions of the Planning Board's Site Plan Approval and Special Permit are incorporated herein and made a part of this Decision.

8. Recording.

- a) The Petitioner will record this Decision at the Registry of Deeds upon issuance of a certificate by the Town Clerk stating that no appeal has been filed within the time required for filing such appeals, or that such appeal has been withdrawn, denied or dismissed.
- b) A copy of the recorded Decision will be furnished to the Board, the Town Clerk and Building Commissioner prior to the issuance of any building permit in connection with Phase 2.

Site Plan: Sheet 1 of 2 titled "Estys Park, 441 Main Street, Groveland MA, Site Plan - Phase 1", first dated May 13, 2015, last revised March 6, 2017, scale 1 inch equals 50 feet, prepared by Marchionda & Associates, LP, signed and stamped by Paul A. Marchionda Registered Professional Engineer on March 6, 2017, endorsed as approved by the Groveland Planning Board on March 7, 2017; Sheet 2 of 2 titled "Estys Park, 441 Main Street, Groveland MA, Site Plan - Phase 2", first dated May 13, 2015, last revised March 6, 2017, scale 1 inch equals 50 feet, prepared by Marchionda & Associates, LP, signed and stamped by Paul A. Marchionda Registered Professional Engineer on March 6, 2017, endorsed as approved by the Groveland Planning Board on March 7, 2017. A reduced copy of the Site Plan is attached hereto as Exhibit A.

Vote on the Motion to approve this Decision: YES NO ABSTAIN ABSENT


CHAIR (Katherine C. Bailey) - Yes

MEMBER (Kathleen Franson) - Yes

MEMBER (Daniel McDonald) – Absent (Recused)

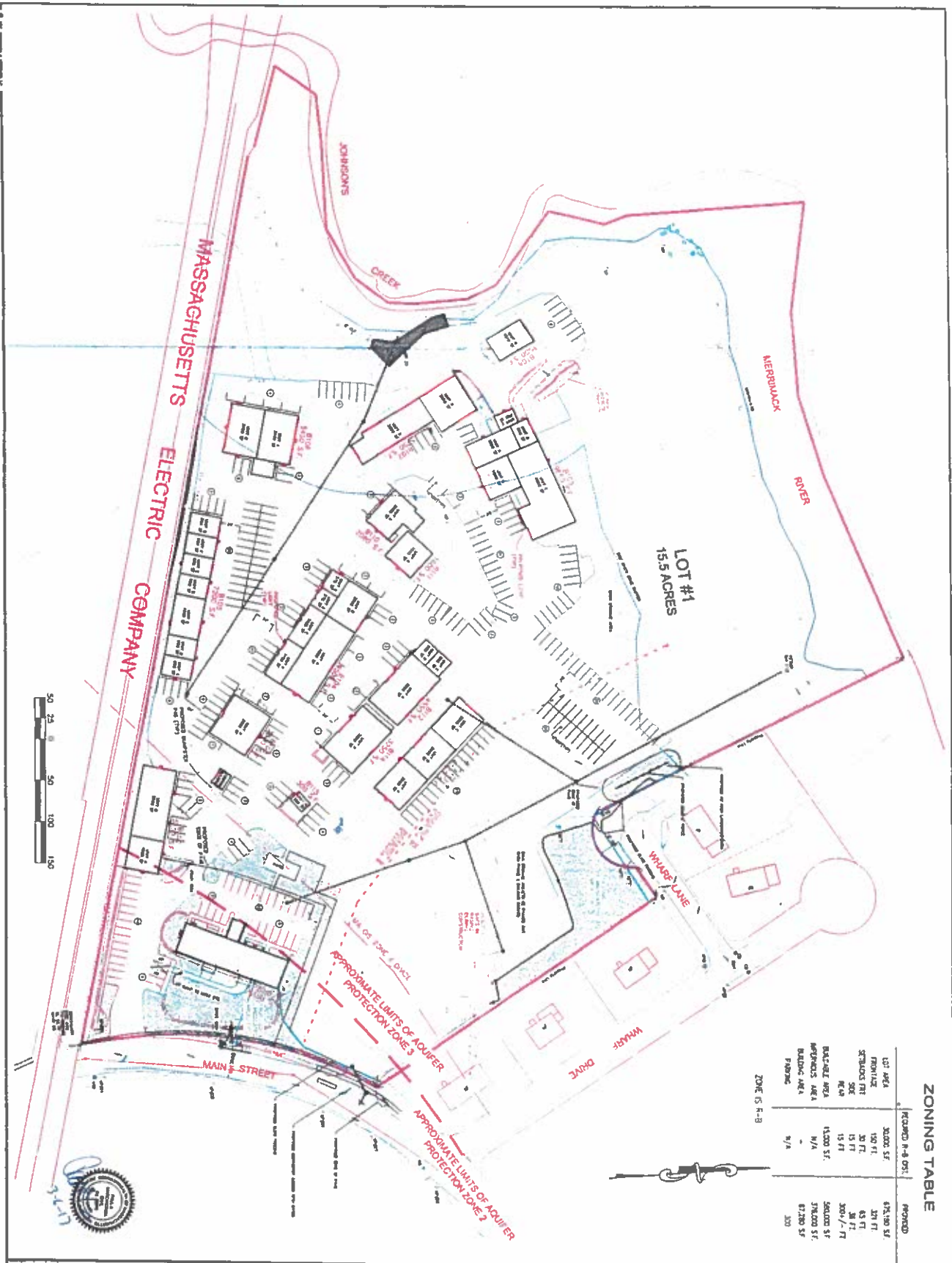
MEMBER (Jason Norman) - Yes

Any Appeal of this Decision shall be made pursuant to Section 17 of Chapter 40A and shall be filed with the Superior or District Court within twenty (20) days after the date of filing of the above cited Decision with the office of the Town Clerk. Procedural appeals shall be taken in accordance with Section 17 of Chapter 40A.


Chair: Katherine C. Bailey

May 4, 2017
Date

Record of evidence, findings of fact and detailed record of the proceedings of the Board of Appeals (if any as filed with the Town Clerk) are incorporated herein by reference and considered a part hereof



ZONING TABLE

LOT AREA	PROPOSED	RECORDED R-4-B DIST.
LOT #1	15.5 ACRES	15.5 ACRES
STREET	30 FT	30 FT
DRIVE	30 FT	30 FT
LANE	15 FT	15 FT
WALKWAY	15 FT	15 FT
BIWAY	15 FT	15 FT
ALLEY	15 FT	15 FT
YARD	15 FT	15 FT
SETBACK	15 FT	15 FT
MINIMUM	15 FT	15 FT
MAXIMUM	15 FT	15 FT
MINIMUM	15 FT	15 FT
MAXIMUM	15 FT	15 FT
MINIMUM	15 FT	15 FT
MAXIMUM	15 FT	15 FT
MINIMUM	15 FT	15 FT
MAXIMUM	15 FT	15 FT



Marchionda
 Engineering and
 Planning Consultants
 87 Northside Avenue
 Groveland, MA 02180
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 Email: engineering@marcchionda.com
 Website: www.marcchionda.com

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 4/20/2007 10:00 AM 1-1-07
 8.0 8.0 8.0-0 8.0-0 1-1-07
 SHEET 1 OF 2

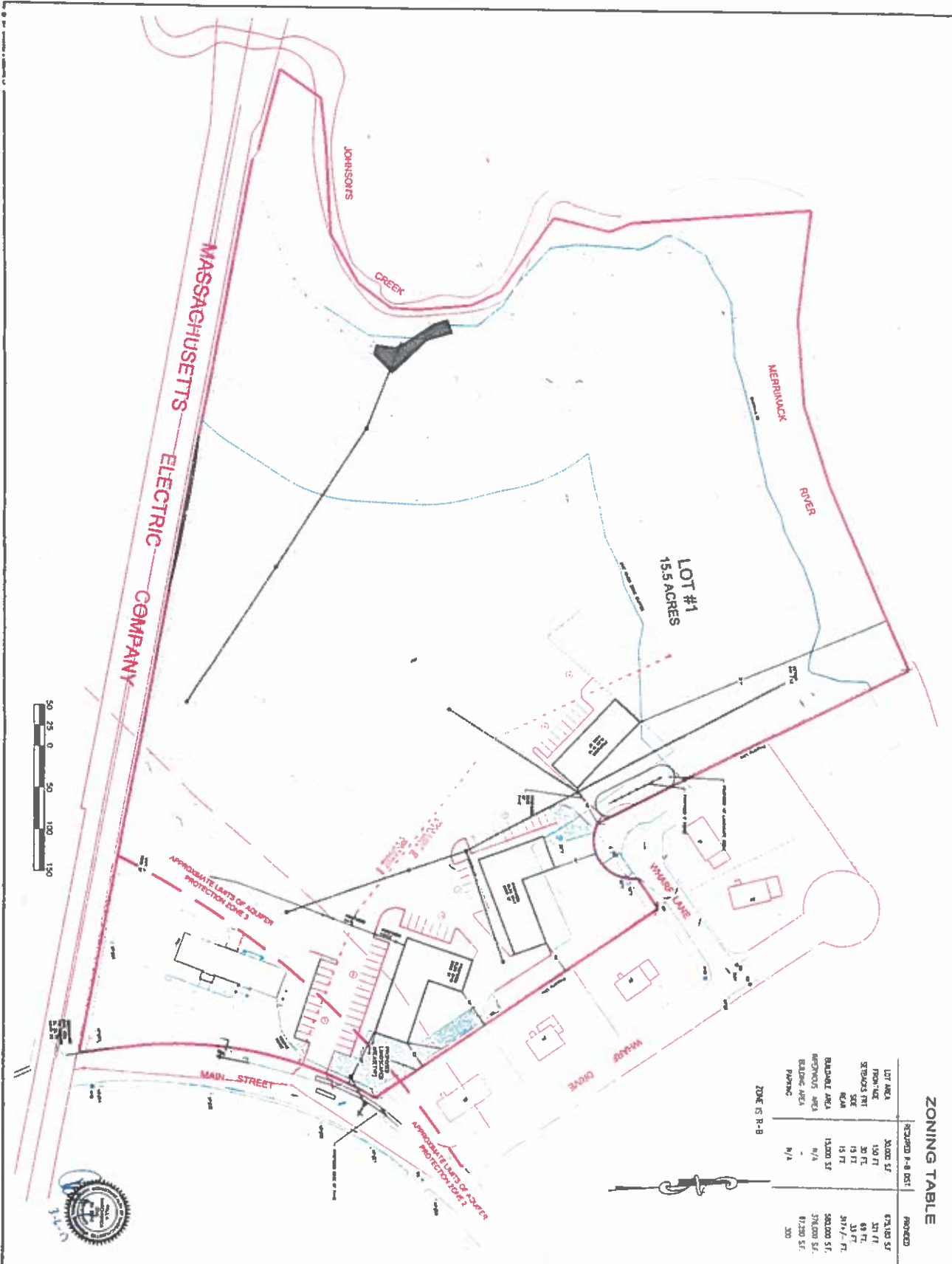
ESTYS PARK
 441 MAIN STREET
SITE PLAN - PHASE 1
 IN
 GROVELAND, MA
 Prepared For
ESTY PARK BUSINESS ASSOCIATION
 8 FEDERAL WAY
 GROVELAND, MA 01834

NO.	DESCRIPTION	DATE
1	REVISIONS PER ERIC	3/6/07
2	CHANGES IN PHASE 2 LAYOUT	2/1/06
3	PLANNING BOARD COMMENTS	5/28/05
4	ADD PHASE 2 COMMENTS	3/13/05
5	ADDRESS CONSULTANTS COMMENTS	1/17/05
6	DESCRIPTION	DATE

APPROVED BY THE GROVELAND
 PLANNING BOARD
 UNDER THE ZONING BY-LAW
 SITE PLAN APPROVAL SECTION 10B
 AQUIFER PROTECTION DISTRICT
 SECTION 1700
James M. Zeger 3-7-17 DATE
Debra Mitchell

REGISTRY USE ONLY

NO.	DESCRIPTION	DATE



ZONE IS P-B	
LOT AREA	30,000 SF
THROW AWAY	150 FT
STREET SIDE	30 FT
REAR	15 FT
REAR SIDE	15 FT
REAR AREA	15,000 SF
REAR AREA	N/A
PARKING	N/A
PROPOSED	67,100 SF
THROW AWAY	30 FT
STREET SIDE	30 FT
REAR	15 FT
REAR SIDE	15 FT
REAR AREA	50,000 SF
REAR AREA	87,200 SF
PARKING	300

ZONING TABLE

Marchionda
 Engineering and Planning Consultants
 & Associates, L.P.
 52 Marchionda Avenue
 Suite 1
 Groveland, MA 02160
 Telephone: (781) 438-5100
 Fax: (781) 438-9524
 Email: engineer@marchionda.com
www.marchionda.com
 02E, 3/7/17
 100% COMPLETE
 SHEET 3 OF 3

ESTYS PARK
 441 MAIN STREET
SITE PLAN - PHASE 2
 GROVELAND, MA
 Prepared For
ESTY PARK BUSINESS ASSOCIATION
 8 FEDERAL WAY
 GROVELAND, MA 01834

REV.	DESCRIPTION	DATE
1	REVISIONS PER 0101	3/1/17
1	CHANGES BY PHASE 2 LAYOUT	1/26/16
1	PLANNING BOARD COMMENTS	3/28/15
1	ADD PHASE 2/ COMMENTS	3/11/15
1	ADDRESS CONSULTANTS COMMENTS	3/7/15
01	DESCRIPTION	DATE

APPROVED BY THE GROVELAND PLANNING BOARD
 UNDER THE ZONING BY-LAW
 SITE PLAN APPROVAL SECTION 10B
 AQUIFER PROTECTION DISTRICT
 SECTION 1700
James M. Foy 3-7-17 DATE
Debra...

REGISTRY USE ONLY