



Town of Groveland
Economic Development
Planning & Conservation Department
Planning Board
183 Main Street
Groveland, MA 01834

Brad Ligols, Chair
Walter Sorenson, Vice-Chair
Jim Bogiages
Robert Danforth
John Stokes III

Board/Committee Name: PLANNING BOARD
Date: TUESDAY, MAY 18, 2021
Time of Meeting: 7:00PM
Location: REMOTE VIA ZOOM VIDEO CONFERENCE

APPROVED June 2, 2021
MOTION: Walter Sorenson made a motion to approve the May 18, 2021 meeting minutes. Robert Danforth seconded the motion. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walters Sorenson, aye. John Stokes, aye. Brad Ligols, aye. Motion approved.

Present: Robert Danforth, Brad Ligols, Jim Bogiages, Walter Sorenson, John Stokes

Absent:

Staff Present: Rebecca Oldham, Director of Economic Development Planning & Conservation

Robert Danforth, Chairman: The Planning Board meeting for Tuesday, May 18, 2021 was called to order at 7:10PM.

R. Danforth: Introduced John Stokes as the new Planning Board member and congratulated him on his election win.

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

Reorganization of the Board – Election of Chair and Vice-Chair

MOTION: Robert Danforth made a motion to nominate Brad Ligols as chair. Jim Bogiages seconded the motion. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walters Sorenson, aye. John Stokes, aye. Brad Ligols, aye. Motion approved.

MOTION: Brad Ligols made a motion to nominate Walter Sorenson as vice-chair. Jim Bogiages seconded the motion. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walters Sorenson, aye. John Stokes, aye. Brad Ligols, aye. Motion approved.

MEETING MINUTES: Approval of April 20, 2021 meeting minutes.

MOTION: Brad Ligols made a motion to approve the April 20, 2021 meeting minutes. Walter Sorenson seconded the motion. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walters Sorenson, aye. John Stokes, aye. Brad Ligols, aye. Motion approved.

ANR: 833 Salem Street: Lot Line Adjustment.

Brad Ligols recused himself as a direct abutter.

R. Oldham: The Applicant was originally before the Board on August 27, 2020 to file an ANR to create two lots. One with the house and the majority of the land and the second lot a "not buildable lot" that contained the cell tower and an access road. The Applicant is now before the Board to request a



Town of Groveland
Economic Development
Planning & Conservation Department
Planning Board
183 Main Street
Groveland, MA 01834

Brad Ligols, Chair
Walter Sorenson, Vice-Chair
Jim Bogiages
Robert Danforth
John Stokes III

lot line adjustment to expand the area in which the cell tower sits so that if it falls it can do so on its own land.

MOTION: Robert Danforth made a motion to approve the Lot Line Adjustment for 833 Salem Street. Walter Sorenson seconded the motion. A roll call vote was taken. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. John Stokes, aye. Walters Sorenson, aye. Motion approved.

PUBLIC HEARINGS

CONTINUED: Definitive Subdivision, King Meadow Farm – Katie Lane: pursuant to M.G.L. Chapter 41, Section 81T, the Town of Groveland Subdivision Rules and Regulations and Article 14 of the Groveland General Bylaws to hear the application requesting approval of a nine (9) lot Definitive Subdivision Plan and associated Stormwater Management & Land Disturbance Permit. The site is located in the Residential 2 (R-2) Zoning District. The proposed subdivision is located on King Street Groveland, MA 01834. (Assessors Map 26, Parcel 13 and Map 26 Parcel 13F).

MOTION: Walter Sorenson made a motion to open the public hearing for the Definitive Subdivision, King Meadow Farm – Katie Lane. Robert Danforth seconded the motion. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. John Stokes, abstain. Brad Ligols, aye. Motion approved.

R. Oldham: Revisions were received this afternoon and the Applicant has communicated that they will continue to the next meeting and allow TEC time to review.

MOTION: Walter Sorenson made a motion to continue the public hearing for the Definitive Subdivision, King Meadow Farm – Katie Lane to June 2, 2021. Robert Danforth seconded the motion. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walters Sorenson, aye. John Stokes, abstain. Brad Ligols, aye. Motion approved.

NEW: Aquifer Protection Overlay Special Permit, 929-931 Salem Street, ANFEH, LLC c/o Fadi Issa: pursuant to Groveland Zoning Bylaw Section 50-6.2 to hear the application requesting to construct a new 7,250 square foot building with convenience store and automotive repair shop, installation of four automobile dispensing pumps with canopies and two fuel storage tanks. The site is located in the Industrial (I) Zoning District. (Assessors Map 49, Parcel 4).

MOTION: Robert Danforth made a motion to open the public hearing for the hearing for 929-931 Salem Street for an Aquifer Protection Overlay Special Permit. Walter Sorenson seconded the motion. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walters Sorenson, aye. John Stokes, aye. Brad Ligols, aye. Motion approved.

J. Bogiages: I just want to disclosure that Fadi is my mechanic and I can recuse myself if the Board would like.

BOARD: There should is no conflict of interest. Fadi is one of the only mechanics in town.

R. Oldham: The Applicant received Site Plan Approval in April of 2017. At a Planning Board meeting on November 15, 2016 the Board realized that the site was in the Aquifer and stated there would be restrictions and a special permit would be needed. At the same meeting, the Applicant confirmed this should be a non-issue and the tanks would be above-ground. It should be noted, that at this meeting there was much confusion as to process for issuing the special permit. The decision and vote issued by the Board made no reference to the Aquifer Zone or a Special Permit. In May 2019, the Applicant appeared before the Board to request an extension of the Site Plan Approval and then also to seek a minor modification with a couple of changes to the building size and site layout. But most notably, to move the fuel tanks underground and add a drive thru. There was no note on the plans, nor the application, to state that the site was in the Aquifer. Neither did the staff or the Board realize that the site was in the Aquifer. The extension of the Site Plan



Town of Groveland
Economic Development
Planning & Conservation Department
Planning Board
183 Main Street
Groveland, MA 01834

Brad Ligols, Chair
Walter Sorenson, Vice-Chair
Jim Bogiages
Robert Danforth
John Stokes III

Approval was issued and the changes were deemed a minor modification. The Applicant also received proper approvals from the ZBA in 2017 for a setback variance and use as a repair shop and in 2019 for the drive-thru. They also received an Order of Conditions from the Conservation Commission and approval of the modification in 2019. The Applicant applied for a building permit in 2020, and again, it was missed that the site was in the Aquifer and required a special permit. The Applicant went before the Board of Selectmen in February 2021 to seek a license for underground fuel storage. At this point, major site construction has occurred and the building exterior framed and constructed. After the Selectmen meeting, staff was approached and informed that the site was in the Aquifer. The Zoning Bylaws prohibit underground fuel storage tanks in the Aquifer Protection District (APD), and the Planning Board does not have the authority to provide a waiver of this prohibition by means of site plan approval, APD special permit, or use variance. The APD special permit must be obtained and aboveground tanks are required. Notice was provided to the Applicant of these facts on March 3rd. Town Counsel was consulted and the Applicant was informed a filing must be made within 30 days or the Zoning Enforcement Officer will need to rescind the building permit and order the owner to cease and desist until zoning compliance is achieved. The Building Commissioner ceased the job on April 5th for failure to submit an application. An application was submitted on April 23rd and the Building Commissioner lifted the cease and allowed the owner to proceed with construction, at risk, on the building only. All site work, including site work associated with the fuel tank, was further ceased until an APD special permit is received. The Applicant submitted a plan that shows the tank aboveground and is here to discuss that with the Board.

Adam Costa with Mead Talerman & Costa representing Fadi Issa: I was not involved in the permitting in 2017 and 2019 and then recently became involved in 2021 when the cease was issued. There was never any intention to short circuit the permitting process, as my client has made multiple appearances to boards and commissions in town. Both the applicant and town overlooked the special permit. We show the tanks aboveground because we were of the understanding that it was being requested and required in order to appear before the Board for further discussion. The chief concern is to get this project underway. Hal, the engineer, was unable to attend this evening. So, while we want to get a decision tonight, we understand if there is an engineering issue that we may need to continue. We also have John Clement with us as a consultant with expertise relative to fuel storage and containment.

R. Danforth: Why go underground?

Fadi Issa, Owner: They will be safer underground.

R. Danforth: Can you prove that?

B. Ligols: I want to hear from John Clement. He has a substantial background in this subject matter.

A. Costa: I don't want to speak out of turn, and maybe buy some time for John to join, but what I understand is, that when these facilities are aboveground there is a greater possibility of them being damaged because they are exposed to the elements and there is also a greater chance of being struck by trucks, etc.

R. Danforth: I understand that, but it is also allowing the owner to gain room on the site for the drive-thru.

B. Ligols: It is a prohibited use. I am for business and we want to come to some reconciliation. But I find it hard to go against what the law is stating.

J. Bogiages: The gas station over the bridge is underground. Why is this different?

B. Ligols: That is in Haverhill and not in the aquifer. The town has been tainted by the Valley Screw incident and that is why the aquifer bylaw was created.

W. Sorenson lost connection at 7:45PM

A. Costa: The bylaw can be confusing based on some of the language, such as floor level vs aboveground. It is ambiguous and the intent is not clear



Town of Groveland
Economic Development
Planning & Conservation Department
Planning Board
183 Main Street
Groveland, MA 01834

Brad Ligols, Chair
Walter Sorenson, Vice-Chair
Jim Bogiages
Robert Danforth
John Stokes III

John Clement, consultant for Fadi Issa: I'm not privy to conversations before tonight. I have conceptual knowledge of the proposed project and the bylaw. There are specific guidelines from the local fire department and those are spelt out in NFPA 30 and 30A. There are also other state and federal regulations. The tank is in a vault and they are made to be earthquake proof. They are substantial and costly.

Underground storage tanks below grade are a very stable device. With the aboveground tank you are subject to trees, cars and they do leak. In Natick they overfilled the tank. The underground tank is within a contained vessel, if anything goes wrong it is contained in that vault and monitored and an alarm goes off.

R. Danforth: who inspect the tank?

J. Clement: The Fire Chief.

R. Oldham: Just so all are aware, the Fire Chief has arranged for the Fire Marshall to perform inspections since the owner is also an employee of the Fire Department.

W. Sorenson connects at 7:50PM.

J. Clement: The underground is inspected every two years.

R. Danforth: I prefer inspections be done quarterly.

W. Sorenson: If you remember, when we wrote the bylaw the actual factor was not Valley Screw but was the machine shop on Federal Way. Which is located right behind this development. That is where the language came from. Which is why the language is a little obscure.

B. Ligols: So, it is aboveground at grade?

John Stokes: Above ground or below grade in some sort of containment. But in either case it sounds like it will be covered.

W. Sorenson: This should be further reviewed by an engineer for comment on the next meeting. It should also include the inspection schedule.

BOARD: All agreed.

A. Costa: So, to clarify, at the next meeting we will present a report from Clement and an inspections schedule and also send to TEC for accuracy and input.

J. Stokes: This should include a plan that shows what the tank actually looks like and how it is situated. At what grade, and how it is accessed from a high-level view. Currently, we only see its location on a site plan.

A. Costa: We want to confirm that TEC will review the tanks and not the site plan that has already been through review.

R. Oldham: I will send a scope and estimate before authorizing any work so that you and your team may review.

MOTION: Walter Sorenson made a motion to continue the public hearing for 929-931 Salem Street to July 15, 2021. Jim Bogiages seconded A roll call vote was taken. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walters Sorenson, aye. John Stokes, aye. Brad Ligols, aye. Motion approved.

R. Oldham: This is just a reminder that Town Meeting is next Monday, May 24th at 7PM at the Bagnall School. There is a Special Town Meeting at 6:30PM. The Planning Board members, or at least one representative, should be present to state favorable recommendation and answer any questions relative to the Zoning Bylaw Articles.

ADJOURNMENT

MOTION: Walter Sorenson made a motion to adjourn the meeting. The motion was seconded by Jim Bogiages. A roll call vote was taken. Voting aye: Jim Bogiages, aye. Robert Danforth, aye. Walters Sorenson, aye. John Stokes, aye. Brad Ligols, aye. Motion approved. Meeting adjourned at 8:15PM.