

Town of Groveland

Zoning Board of Appeals

183 Main Street

Groveland, MA 01834



Christopher Goodwin, Chair

Jason Naves

John Stokes II

Brad Ligols

John Grohol

Mark Parenteau, Associate

1834 DEC -9 AM 8:47

TOWN CLERK
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APPROVED December 7, 2022
MOTION: Naves made a motion to approve the Nov 2, 2022 meeting minutes. Grohol seconded the motion. The vote was 5-0-1, Parenteau abstains. The motion passes.

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Board/Committee Name: ZONING BOARD OF APPEALS
Date: WEDNESDAY, November 2, 2022
Time of Meeting: 7:00 PM
Location: 181 MAIN STREET GROVELAND, MA 01834

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Present: Jason Naves, Chris Goodwin, Brad Ligols, John Grohol, John Stokes III

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Absent: Mark Parenteau

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Staff Present: Annie Schindler, Environmental Program Coordinator & Town Planner

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Public Present: Corey LeBlanc & son (157 Center St), Jesse Jalbert (154 Center St), Adam Costa

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(representative for 154 Center St), Mike Dempsey (33 Uptack Rd), Kelly Goodwin (5 Hillview)

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MOTION: Ligols motions to open the meeting at 7:08 PM. Naves seconds the motion. Voted 5-0, unanimous in favor.

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NOTE: Minutes are NOT taken verbatim. For a verbatim record please see the Town's YouTube page.

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PUBLIC HEARING

14

NEW: APPLICATION #2023-4, 154 Center Street, HKL Realty LLC; requests a Special Permit in accordance with Section 50.4.5 (Table of Uses) of the Groveland Zoning Bylaw for a Contractors Yard at the premise.

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Costa: I'm here with Mead Tallerman & Costa on behalf of the applicant. To begin, more green cards came in, and I'd like to give the Board a letter addressing issues that were brought up at the last meeting but will summarize the contents now. Got a lot of feedback from the Board and the public, and we will address those comments and concerns tonight. The first request was a better understanding of how the use is defined; dumpster full versus empty, leased space, septic system, etc. We wanted to better delineate the site. The plan you can see in the letter shows the storage of empty containers at back right of site, and full dumpsters at the back left of site. Now, what happens if a full dumpster gets left on site? We've proposed a specific area for full dumpsters, for 5 dumpsters max, and in an area that will be paved with an impervious surface with some form of curbing. We decided to put it here (back left portion of the lot on the Millennium Engineering plans for the cross-country sewer extension) because the 100-foot buffer zone is on the back right portion of the site, basically cutting the site in half. This location would put the paved area outside of the 100-foot buffer zone, and as far away as possible from the road. We also delineated the approximate area of the proposed leased area. Will gate off where truck and dumpster area will be from the leased area. Another concern was that there could be anything stored in these dumpsters. There is a list of prohibited items that my client gives to customers, so they know not to throw certain things away. This list includes asbestos, chemicals, railroad ties, toxic hazardous material, liquids, medical waste, oils, fuel or gas, batteries, lead paint, AC unit, tires, propane tanks, Tube TVs/CRT monitors, paints (non-led), fluorescent bulbs, mattress, box spring, fridge, water heaters, white goods/appliances, furnaces, oil-based paints. The last section of the letter includes traffic/noise/speed and how we can help to mitigate this. Also, I'd remind the Board this is in an Industrial Zone and that there are industrial uses on either side of 154 Center Street. There is the Highway Department Yard where plowing runs out of. The Institute of Transportation Engineers Trip Generation Manual doesn't even have contractor yard because it doesn't generate much traffic. The proposed 6 AM to 6 PM operating hours would be for my client's business as well as any anyone who leases the space. There is also a vegetative buffer from Center Street. We've also said that we would maintain and supplement the vegetative cover or fence the area for

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46 extra screening and safety. There's a list of proposed conditions at the end of the letter, but essentially,
47 no storage on the septic until it's gone, no storage within the sewer easement, and trucks in the
48 building will be gone within three months. One other thing, the storage structure in the top right
49 corner, we're prepared to level it to free up more area to store empty dumpsters there even though it's
50 grandfathered with Conservation.

51 Goodwin: I'll open it up for Board questions?

52 Ligols: How do you police contractors who lease from you who come in and out of there for the
53 proposed hours?

54 Jalbert: My guys will be there, and it would also be a stipulation of the lease.

55 Stokes II: Trying to get by the fact that we're calling it a contractor yard when we're dealing with
56 dumpsters and trash. I don't know how to get around that. You can call it what you want, but it is what
57 it is.

58 Costa: I took a closer look at the definition of contractor yard, "Premises used by a contractor,
59 subcontractor or other person doing business in construction, landscaping and related trades for the
60 storage, either indoors or out, of vehicles, equipment, tools, supplies, materials and for fabrication of
61 sub-assemblies". Haven't spoken with Sam specifically about this determination, but I have
62 investigated other definitions of contractor yards and they're all generally vague. This is not a
63 traditional contractor yard like landscaping, renovation. But we aren't processing trash or recycling.
64 What you can expect to find on the site is empty dumpsters and trucks.

65 Ligols: You have another location, correct? How often do you have dumpsters on site?

66 Jalbert: It depends, there are busier times of the year, sometimes we have no dumpsters available,
67 sometimes there are more.

68 Goodwin: What are you planning on doing with current building?

69 Jalbert: It would depend on what the leases would want, how much space, etc.

70 Costa: The internal isn't jurisdictional to the ZBA, but whoever would be in the building would be line
71 with the use.

72 Naves: I just want to clarify what would actually go in the dumpster? Not food, etc. It would be
73 construction materials?

74 Jalbert: It would be people who are renovating their house, emptying their house because they are
75 moving, etc.

76 Ligols: Mello stores actual trash trucks and dumpsters on Route 97.

77 Jalbert: When we bring it to a recycling facility or transfer station there are people checking the
78 dumpsters and they are strict with what can get unloaded so only certain things are able to be dumped
79 within these dumpsters.

80 Goodwin: I'm concerned about the number of days a full dumpster could get stored onsite. Would you
81 be open to a limit on the number of days a dumpster could stay full overnight?

82 Jalbert: I would have to think it through, with the weekends being a concern, but would be open to it.

83 Stokes II: What are the proposed hours?

84 Goodwin: 6 AM to 6 PM.

85 Naves: I believe for as-of-right uses in the Industrial Zone it is 7 AM to 11 PM.

86 LeBlanc: I live right across the street; I've had an opportunity to think about this and talk with
87 neighbors about it. I've looked at the zoning and the 7 required categories for a special permit, I will
88 address each one with my concerns now. Other than tax dollar I don't see anything else that is
89 beneficial for the town with the addition of this business. Regarding operating hours, I don't want to
90 hear the dumpsters on Saturday. Property values will go down. For traffic flow, things will only get
91 more congested when he shuts down the Peabody site. There are no sidewalks on Center St, there's a
92 bus pick up, solar glare, it's asking for something bad to happen with the bus stop. For operating hours

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93 it's ridiculous to even hear weekends as a possibility. Regarding the Groveland Highway Department
94 being next-door and the central location for snow removal, that's different because it's for safely, it is
95 something we can understand, and it's not year-round. The neighborhood characteristics would
96 change, there are many kids, there are coyotes in the back there could be lured closer to the street with
97 food, we don't know, could bring the coyotes that would be pulled closed to neighborhood.
98 Environmentally, there is a wetland there, even if the dumpsters are empty, it is still within the buffer
99 zone. The town does not want to repeat the mistake with it creating a superfund site. My question is,
100 how would the town police this correctly to ensure nothing bad gets dumped? The only way is to have
101 a town employee there. Also, we just put in a rail trail, and it would be a shame if people walk by
102 trash. I've also got an online petition going and I already have 60 signatures and I'm still getting more.
103 This is a drastic change to what was there before. Millennium was like a residential neighbor.
104 Dempsey: Apologies for just getting here tonight, wasn't here at the previous meeting. The applicant
105 never came to talk to the Conservation Commission about it. I recommend you have him file an RDA
106 with Conservation Commission at a minimum. There are wetlands next to it. I know the Commission
107 is concerned when activities like this are brought to a site. I don't know if you want to hold off on
108 making your decision. The RDA isn't a permit to do the work, it's just asking the Commission whether
109 the work is jurisdictional.
110 Goodwin: Any more comments? I will close public hearing and open it up for board discussion. For
111 the record some of us did do a site visit after the last meeting. The dumpsters there were clean and
112 empty, which is in line with what the applicant is describing.
113 Ligols: We also couldn't see much of the site from the street.
114 LeBlanc: I can see it from any part of my house, and for half of the year there won't be leaves.
115 Ligols: It is within the Industrial Zone.
116 LeBlanc: There are a lot of kids in the neighborhood, and we have to come up with the times.
117 Costa: I'll remind the board the applicant is planning on adding in a fence which would add more
118 screening
119 Stokes II: Should Conservation Commission meet with them first before we vote?
120 Goodwin: I don't think an RDA will hurt.
121 Costa: I appreciate the comments by the Conservation Commission. The wetlands are not located on
122 the site, they are located on the Highway Yard site. We are not proposing any activities that would
123 traditionally or typically trigger a NOI filing. RDA is under a completely different regulation from
124 40A. We're also relinquishing something that is grandfathered (*the storage shed in the back right*
125 *portion of the property*).
126 **BOARD**: Thank you.
127 Grohol: As a contractor's yard I'm inclined to approve with conditions. We need to come to an
128 agreement about days of the week and time, and whether Monday through Friday or Monday through
129 Saturday.
130 Naves: I agree with that, we need to be mindful with the residents, but also what is currently there.
131 Between Millennium and Anchor Towing. As far as the aquifer, light manufacturing handles more
132 hazardous materials, which is what started the issue with the superfund.
133 Grohol: No denying there won't be an increase in traffic, we need to weigh that is the existing site.
134 Goodwin: As it is a new business, it may be more. I don't think the traffic volume will increase
135 exponentially.
136 Stokes II: How many dumpsters are going to be there in total if they aren't leased?
137 Jalbert: Probably 30 at a time, we have 100 total.
138 Ligols: What would happen in the worst case and you have 100 dumpsters not leased out?
139 Jalbert: I would put them back in Peabody. I would re-lease the space there.

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- 140 Naves: How many dumpsters could you store in your proposed back fenced area?
141 Jalbert: Probably 30.
142 Stokes II: There are 27 there now. They would have room, but not for a whole lot of trucks.
143 Naves: How many trucks do you operate?
144 Jalbert: Two dumpster, 7 smaller dumpsters, like 1800JUNK ones people often see.
145 Ligols: So, if you are leasing space, how are you going to have room for your equipment?
146 Costa: it would be stored in the back, not in the front
147 Stokes II: Where will the trucks be?
148 Costa: In the back fenced area.
149 Ligols: What if all trucks, and all dumpsters are there?
150 Jalbert: I would have an overflow site, and I'll have more space once the sewer goes in and the septic
151 system can be decommissioned.
152 Schindler: I just heard from the contractor doing the sewer work and they ask that the applicant hold
153 off on the fence until after the sewer goes in, which will be in January, with an anticipated tie in date
154 of late spring.
155 Goodwin: We need to look at the worst-case scenario about storing everything possible?
156 Jalbert: We wouldn't let that be an issue
157 Costa: We can only fit what we can fit, if it can't fit within the fenced area, then we'll just have to find
158 an overflow site. We can only do what we can do with the site.
159 Naves: There are 27 dumpsters there right now, but they're further up the site now than they would be
160 in the proposed area. And there will be more space on the lot when the structure is gone. When we
161 were on the property, we saw the wetland markers and they didn't seem very close to the parking area.
162 Goodwin: If we do go ahead with this, do we want to talk about conditions?
163 Stokes II: I think it's a decent business, I just question the locations. It seems like every time we come
164 up with this, we had another case when someone didn't come to the town, there's an issue. I feel bad
165 for the neighbors, and they have a right to the quality of life. We can argue definitions and semantics
166 all we want. When I saw contractor's yard, I didn't think it would be this. I know you said it was
167 vague, but I just can't get behind it.
168 Grohol: We can start with what they proposed for conditions, but I think the primary concern is the
169 days and times, max number of dumpsters and vehicles in the yard.
170 LeBlanc: How would you enforce that?
171 Goodwin: The Zoning Enforcement Officer.
172 Naves: He would act on reports from residents.
173 Grohol: Suggestion #2 (*showing storage areas*) & #3 (*showing storage area of full dumpster*) kind of
174 covers the dumpsters and require them to be behind the fence.
175 K Goodwin: What kind of fence will contain them?
176 Jalbert: Probably a privacy fence, about 8 feet.
177 Ligols: What about screening the berm at the front of the property? Doing some plantings that area
178 deer resistant.
179 Costa: How would you want to define the number of trees for planting the berm?
180 Ligols: I'm not an arborist, you'd have to ask a professional. Something high enough to help with
181 noise.
182 Jalbert: I would be open to looking into that.
183 Grohol: Going down the list of proposed conditions... #1 (*Use for leases shall be consistent with the*
184 *definitions of a contractor's yard*) Seems consistent with what has been proposed. You don't currently
185 operate a contracting yard business?
186 Jalbert: No

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- 187 Ligols: You'd be able to limit who would be leasing space from you? We don't want to see any more
188 dumpster companies within the lot.
- 189 Jalbert: Correct, it would only be people with vans and trucks.
- 190 Costa: We don't want duplicative businesses or other storage outside.
- 191 Naves: Contractor yard is more specific as a zoning term, not a specific use for contractors.
- 192 LeBlanc: Is there anything you can permit that says they can't drop dumpsters on Saturday?
- 193 Ligols: There are times when circumstances won't allow for that.
- 194 LeBlanc: You'd be able to hear the dumpsters drop from Rt 97.
- 195 Mr. LeBlanc's son: I leave at 6:50 for school and I see trucks.
- 196 LeBlanc: It's going to drop the property value and it seems like negligence to allow it.
- 197 Mr. LeBlanc's son: They also pull out from a blind spot with their big trucks.
- 198 Naves: Annie where/when are the sidewalks going along Center Street?
- 199 Schindler: From the intersection of Center Street and School Steet to Atwood Ln. At this design phase
200 the sidewalks will be on the southern side of the street. Anticipated completion of this project is two to
201 three years.
- 202 Mr. LeBlanc's son: The dumpsters could also bring in more coyotes which will make the area unsafe.
- 203 Grohol: Condition #5 the applicant shall construct an 8-foot fence, subject to building commissioner
204 approval. #6, we discussed vegetation cover that we would like to see.
- 205 Naves: I'd like to see this added to the existing density.
- 206 Costa: I'd like to ask for specificity because you want more vegetative cover because you're saying
207 you'll revoke the permit if we don't plant properly, so we want to make sure. It could be staff member
208 approval or could reappear before the board at a meeting of the landscaping plan.
- 209 BOARD: We would like to see the landscaping plan.
- 210 LeBlanc: how do you see this benefiting the town other than tax dollars?
- 211 Ligols: It is an industrial zone. It could be a much worse use there that wouldn't even need to come to
212 the board.
- 213 Naves: We are finally beginning to encourage businesses to come to town. Cannabis is a great example
214 of that, we said no and now there's been no business.
- 215 LeBlanc: But not this type of business, it will change the quality of life for the residents who live there.
- 216 Grohol: It's the industrial zone, which was there before many of the residents were there.
- 217 LeBlanc: But how do you check, it's impossible.
- 218 Goodwin: With any business there has to be an act of good faith, we can't just assume they will be bad
219 neighbors without giving them a chance.
- 220 Costa: Can't deny things based on the fear of non-compliance. This will be a very conditioned
221 industrial business in an industrial zone.
- 222 Goodwin: I'm not sure what he's saying
- 223 Grohol: Anyone would love to have an ideal business across the street from us, but we can't pick and
224 choose.
- 225 LeBlanc: I think you'd have a different opinion if it was across the street from you, and if it ends up
226 ruining the water there.
- 227 Goodwin: You can argue that any of the businesses along the street could do that.
- 228 Stokes II: If the business is runs it above board, that's on the owner to run a good business. Whether I
229 agree or not, he had a right to be there. Honestly, I feel for the neighbors because I wouldn't want it
230 next to me. But it is industrial land, and he had a right to be there, and it's on him to run a good ship
- 231 K Goodwin: Two of the main concerns are the water and coyotes, but can we speak to the possibilities
232 to those even happening there?

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- 233 Jalbert: Hard to say because there's no food in the dumpsters, because there is no restaurant trash. As
234 far as the water, if something drips off the wood into the ground it won't have a large impact.
235 LeBlanc: If there's a contracting company who rented out the dumpster, they would just throw their
236 lunch away.
237 Naves: There are coyotes everywhere
238 Grohol: Continuing the list of conditions, #7 the hours of operation. I'm proposing 7AM to 6PM?
239 Naves: What about 7AM to 7PM so it's still 12 hours. Some businesses in the area already aren't
240 adhering to that because of the nature of the business.
241 Stokes II: On Saturday can you dump at places?
242 Jalbert: Yes until 12
243 Stokes II: So maybe Saturday 8AM to 1PM so you have time to dump if you need and let people sleep
244 Grohol: Condition #8 (*connecting to sewer*) looks fine the way it is.
245 Naves: I think we can leave out #9 (*temporary indoor storage of trucks*, don't think it's needed given
246 the current time frame.
247 Grohol: What is the plan for the time between when the special permit is issued and when the sewer
248 line is completed?
249 Costa: All storage will occur outside of the leeching area; it would happen when the permit gets
250 issued.
251 Grohol: You won't be able to access the full storage area until the sewer gets put in.
252 Costa: We don't want to postpone anything with sewer but will have to if necessary.
253 Goodwin: I'd like to see a temporary fence until a permanent one can go in to screen for now.
254 Grohol: We had talked about no storage containers in the contractor yard in front of the fence. It goes
255 without saying it's in #2 but I want it to be clear that we don't want to see them on the other side even
256 if you can't find space. Also, no stacking of dumpsters.
257 Goodwin: Any other discussion?
258 Dempsey: Are you not going to require an RDA?
259 Costa: You don't have the authority to do that. You can request that we meet with the Conservation
260 Commission, but cannot require it.
261 **MOTION**: Naves moves to approve the Special Permit with the revised proposed list of special
262 conditions. Grohol seconds the motion. The vote was: Grohol, aye. Ligols, aye. Goodwin, aye. Naves,
263 aye. Stokes II, nay. The motion passes.

OTHER ITEMS NOT REASONABLY ANTICIPATED AT THE TIME OF POSTING

264
265 Schindler: I presented Chairman Goodwin with an extension agreement for the cell tower at Cedardale
266 which he signed. Clearing has begun at Sewell St near the stormwater management ponds.
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268

269 **MEETING MINUTES**: Approval of October 19, 2022 meeting minutes.

270 **MOTION**: Naves motioned to approve the minutes from October 19, 2022. Ligols seconds the
271 motion. The vote was 5-0, unanimous in favor.
272

ADJOURNMENT

273 **MOTION**: Goodwin made a motion to adjourn the meeting at 8:50. Stokes II seconds the motion. The
274 vote was 5-0, unanimous in favor.
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277 Respectfully submitted,
278 Annie Schindler, Town Planner & Conservation Agent
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Meeting Materials: November 2, 2022 Agenda, Application #2023-4 Packet, Correspondence RE Operating During Permitting Process, Draft October 19, 2022 Meeting Minutes.
Meeting Materials Presented at Meeting: Citizen Petition by Corey LeBlanc 175 Center Street, Correspondence from Adam Costa RE Application dated November 2, 2022.