

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

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APPROVED Feb 15, 2023
MOTION: Ligols made a motion to approve the Jan 18, 2023 meeting minutes. Grohol seconded the motion. The vote was 4-0. The motion passes.

TOWN OF GROVELAND
2023 FEB 16 PM 1:49
TOWN CLERK
RECEIVED/POSTED

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Board/Committee Name: ZONING BOARD OF APPEALS
Date: WEDNESDAY, January 18, 2023
Time of Meeting: 7:30 PM
Location: 183 MAIN STREET GROVELAND, MA 01834

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Present: Jason Naves, John Grohol, Brad Ligols, Mark Parenteau
Absent: Chris Goodwin, John Stokes II
Staff Present: Annie Schindler, Environmental Program Coordinator & Town Planner
Public Present: Zehra Mirzai (65 Snow Rd, Haverhill MA), Jams Mirzai (65 Snow Rd, Haverhill MA), Ron Millen (179 main St, Groveland MA), Kathrine Holmstrom (178 Main St, Groveland MA), Michael Giaimo (Verizon Wireless Legal Representative)

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Ligols: Call to order the meeting of the Groveland Zoning Board of Appeals at 7:37 PM on January 18, 2023.

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NOTE: Minutes are not a transcript.

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PUBLIC HEARING

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CONTINUED: Application #2023-1, 20 Bare Hill Road (aka 0 Bare Hill Road/Cedardale Tennis Club), Cellco Partnership d/b/a Verizon Wireless; requests for variance from the provisions of Section 50-4.5 (Permitted uses in the RI District), Section 50-6.3(B)(3) (To permit a Wireless Communication Facility outside of the Wireless Communication District), and Section 50-8.1 (Table of Dimensional Requirements, to increase maximum height) of the Groveland Zoning Bylaw.

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Town Planner: There was one outstanding condition that we were finalizing, and I believe we have come to a good conclusion. The condition dealt with the non-assignability of the Special Permit/Variance. Generally, our permits state that they are non-assignable, but because of the way Verizon operate, they will occasionally transfer ownership of towers between their subsidiaries. This change is reflected in the Special Permit/Decision.

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Giaimo: That is correct. The new condition reflects changes within the Verizon company, but if Verizon were to ever not be the owner, the permit would become non-assignable.

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MOTION: J. Naves motions to close the public hearing for Application #2023-1. J. Grohol seconds the motion. Voting aye: M. Parenteau, aye. J. Naves, aye. J. Grohol, aye. B. Ligols abstains. The vote was 3-0-1, the motion carries.

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PUBLIC HEARING

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NEW: Application #2023-4, 180 Main Street Map 6 Lot 25, applicant Zehra Mirzai; requests a Special Permit in accordance with Section 50.4.5 (Table of Uses) of the Groveland Zoning Bylaw to operate a restaurant.

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44 Town Planner: The applicant is present, but to give a brief overview of the application, they are
45 proposing to operate Riverside Pizza almost the exact same way as it has been, but they would like to
46 change the hours.

47 Z. Mirzai: Yes that's correct, we are looking to be open seven days a week from 11AM to 10PM.

48 Town Planner: I know the applicant was looking to do this as quickly as possible, so I have put the
49 draft special permit in the Boards packets, if the Board could please review the draft I can have it ready
50 to sign tomorrow.

51 **MOTION**: J. Grohol motions to issue a Special Permit for Application #2023-4 for the use of a
52 Restaurant, with the proposed hours and conditions. J. Naves seconds the motion. Voting aye: M.
53 Parenteau, aye. J. Naves, aye. J. Grohol, aye. B. Ligols, aye. The motion passes.

54 **MOTION**: J. Naves motions to close the public hearing for Application #2023-4. B. Ligols seconds
55 the motion. Voting aye: M. Parenteau, aye. J. Naves, aye. J. Grohol, aye. B. Ligols, aye. The motion
56 passes.

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58 **JEFF & MARIA'S ICE CREAM**: Request to extend business hours to host an "all-night" event.

59 Town Planner: If the Board remembers, last summer the owner of Jeff & Maria's asked for temporary
60 relief from their Special Permit so that they could host an "All - Night" event. They are looking to do
61 the same this year. In your packets there is a letter from the owners describing the event, as well as
62 some of my comments. My comments include noting that they will still have to receive approval from
63 the Board of Selectmen each year because of their common vic license, that it be issued for three years,
64 and that the Board be notified of the exact dates each year. The owner was going to call in, but
65 canceled today.

66 Ligols: Last summer we had asked that if they we're to seek temporary relief again that they would be
67 present at the meeting to discuss.

68 Grohol: They do this every year and would need relief every time. I suggest we issue relief for a
69 couple of years so they don't have to come in again. I don't have any specific questions for the owner.

70 Parenteau: I agree, if they aren't changing anything from how it has been done before, I think we can
71 issue the relief.

72 Naves: I agree, but I also agree with Ligols, they said they would be at this meeting and they have not
73 been here when requested before.

74 **MOTION**: J. Grohol motions to provide temporary relief from the Special Permit for two days every
75 three years and with the proposed conditions by the Town Planner. J. Naves seconds the motion.
76 Voting aye: M. Parenteau, aye. J. Naves, aye. J. Grohol, aye. B. Ligols, aye. The motion passes.

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78 **MEETING MINUTES**: Approval of January 4, 2023 meeting minutes.

79 **MOTION**: J. Naves motions to approve the minutes from January 4, 2023. J. Grohol seconds the
80 motion. Voting aye: M. Parenteau, aye. J. Naves, aye. J. Grohol, aye. B. Ligols, aye. The motion
81 passes.

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83 **TOWN PLANNER UPDATE**

84 Town Planner: The only new thing will be that Your Place and Ours is selling and will be seeking a
85 new Special Permit, similar to what we heard tonight with Riverside. Because of timing, would the
86 Board be amenable to meeting February 15th, instead of February 1st?

87 BOARD: Yes that will be fine.

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89 **OTHER ITEMS NOT REASONABLY ANTICIPATED AT THE TIME OF POSTING**

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90 Ligols: I would like to start the Board thinking about potentially changing the impervious surface
91 requirement within our Table of Dimensional Requirements within the Business and Industrial Zones.
92 Where it stands now, it limits business, which we need. We can potentially structure it on a case-by-
93 case basis.

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95 **ADJOURNMENT**

96 **MOTION**: J. Naves motions to adjourn the meeting at 8:05 PM. J. Grohol seconds the motion. The
97 vote was 4-0, unanimous in favor.

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99 Respectfully submitted,

100 Annie Schindler, Town Planner & Conservation Agent

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*Meeting Materials: January 18, 2023 Meeting Agenda, Notice of Decision for Special Permit and
Variance Application #2023-1 (Cedardale Tennis Club Cell Tower), Application #2023-4 180 Main
Street (Riverside Pizza) Application Package, DRAFT Special Permit for Application #2023-4, 180
Main Street, Jeff & Maria's Letter Regarding Their All Night Event, Draft January 4, 2023 Meeting
Minutes*