

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

1 **APPROVED 9-20-2023 MOTION:**
2 Goodwin made a motion to approve the
3 June 21, 2023, meeting minutes. Naves
4 seconded the motion. The vote was 4-0.
5 The motion passes.
6

Board/Committee Name: ZONING BOARD OF APPEALS 7
Date: WEDNESDAY, June 21, 2023 8
Time of Meeting: 7:30 PM
Location: 183 MAIN STREET GROVELAND, MA 01834

9
10 **Present:** John Grohol, Brad Ligols, Chris Goodwin, Jason Naves

11 **Absent:** John Stokes II

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

13 **Public Present:** Jesse Jalbert (154 Center St)

14
15 *NOTE: Minutes are not a transcript. A video recording of this meeting can be found on the Towns*
16 *YouTube page.*

17
18 **Goodwin:** Call to order the meeting of the Groveland Zoning Board of Appeals at 7:30 PM on June 21,
19 2023.

20 **MOTION:** Ligols motions to open the meeting of June 21, 2023. Naves seconds the motion. Voting
21 all in favor, the motion passes.
22
23

24 **PUBLIC HEARING**

25 **NEW: Application #2023-6, 912 Salem Street, Applicant: Mark A Abare;** A public hearing in
26 accordance with Mass General Laws, Chapter 40A, as amended, for Application #2023-6 made by
27 Mark A Abare, for the premises located at 912 Salem St Map 41 Lot 095, in the Industrial (I),
28 Residential 1 (R1), and Residential 2 (R2) Zoning Districts, and owned by William T Bryan III, for a
29 Special Permit in accordance with Section 50.4.5 (Table of Uses) of the Groveland Zoning Bylaw for a
30 contractors yard.

31 **Planner:** They are requesting a continuance so they can further prepare their materials for filing with
32 Conservation and Planning. They are also requesting an extension to the 90-day requirement for a
33 special permit application so that the meeting can be continued to August 2, 2023.

34 **MOTION:** Ligols motions to continue to the August 2, 2023, meeting at 7:30 PM. Grohol seconds the
35 motion. Voting all in favor, the motion passes.
36

37 **154 CENTER ST: Request of minor modification of decision.**

38 **Planner:** This began with an email to the Board of Selectmen from an abutter who had been at the
39 public hearings. He had noticed that at 154 Center St, mattresses had been stored at the site for longer
40 than 24 hours. In the decision it is conditioned that there shall be no storage for longer than 24 hours.
41 In your meeting packet you can see that the owner of the property is asking to modify that condition.
42 He is also requesting a few other modifications which can be found in that same correspondence. I
43 asked the Zoning Enforcement Officer to look at the site as the enforcing authority of our decision. He
44 put together a memo for the Board about what he saw on site which is in the meeting packet as well.

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45 Jalbert: The dumpster situation that the neighbor had reported, we haven't been keeping any dumpsters
46 full of trash. It's just the dumpsters that come back full from people's houses. They take the mattresses
47 and put them aside and bring them to the dump two to three times a week. We get a lot of them,
48 probably 50 a week. It is a waste banned item in Mass now so you can't get rid of the at the local dumps
49 now, we must bring the down to Brockton. We haven't had anything there for a long time since we got
50 approval. I wanted to see if it would be allowed if we could keep a dumpster full of mattresses until it gets
51 full.

52 Ligols: Could you store them inside?

53 Jalbert: Yes.

54 Ligols: We conditioned it, we granted the permit even though there was some opposition from the
55 neighbors.

56 Jalbert: And so you don't think I was doing something I wasn't supposed to do, when we originally talked
57 about the junk removal trucks, we hand-load everything that goes into them, I just assumed that a dumpster
58 that we hand-loaded fell into that category.

59 Goodwin: I want to look at the conditions that have not been met yet. I would like to address the original
60 conditions before we entertain any modifications. Specifically, conditions 2, 4, 5, 6 that are being noted as
61 not being complied with at this point.

62 Jalbert: That wasn't a condition because the plan was to put them all in the back when the septic is gone, I
63 will add a concrete pad in the back when I can connect to the Town sewer.

64 Ligols: When will the sewer be ready to be connected to?

65 Planner: You will have to check with the Water & Sewer Dept., but I think it is up and running and a house
66 on Murray Ave has already connected. Everything is in and has been tested.

67 Jalbert: So, it sounds like there is some confusion on number two, when I do that, that is where they will be
68 sitting. But empty dumpsters can be anywhere.

69 Ligols: Fencing?

70 Jalbert: Luckily, I've had some time to think about it. It took a while for the sewer project to reconnect the
71 fence in the back, as I was letting them drive through the yard to get to 150 Center St. The fencing got
72 reconnected in the back in April. The fence is one of the reasons I'm here. I would like to bring the fence
73 right up to the front of the property. Not so I can store more dumpsters, but because it will be easier
74 logistically, because if I put up a fence where originally proposed it will be harder to back trucks up. So,
75 bring the fence up to the front and eliminate the rear fence.

76 Planner: When you say eliminate the rear fence do you just mean move it up the proposed one? Not the
77 chain link fence that separates your property from the Town property/150 Center St?

78 Jalbert: Correct I don't want to move that one. I want to move it up and still screen.

79 Goodwin: When are you hoping to do this if approved?

80 Jalbert: If approved sometime in June or July.

81 Goodwin: And then #5?

82 Jalbert: Technically if that back fence was there, the dumpsters are behind it, because they are past the rear
83 of the building. I think that some of the way this stuff was worded, it may have been hard for Sam because
84 he wasn't at the meetings.

85 Goodwin: Well, I think part of the problem is that it is now June, and it still isn't done.

86 Ligols: Daley finished his work a while ago, March or April.

87 Planner: It was a bit longer than that due to restoration work that had to take place at 150 Center St.

88 Jalbert: Yes, it was the beginning of April. So yes, I could have installed the fence then, but when I started
89 getting a chance to think about it I wanted to move it up.

90 Goodwin: Also condition #6 with a vegetative buffer along the street.

91 Jalbert: Yes, if the fence placement were to get approved, I'd want to have more arborvitaes with your
92 approval. There was no definitive time to do that, but yes it was asked to do. The hours of operation I would
93 think there's been no complaints. I would think the only one you've heard is the mattress one.

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- 94 Planner: That is the only one I've received.
- 95 Naves: But it wasn't just the mattress dumpster because you had it full. If I remember correctly, they will
- 96 go to the transfer station and get dropped off, and if it is too late, we allowed the 24 hours.
- 97 Jalbert: We aren't even having anything being stored overnight right now until we get the impervious
- 98 surface. It's just the mattress dumpster.
- 99 Naves: And the trucks.
- 100 Jalbert: Well the trucks yeah but those are hand-loaded.
- 101 Naves: I don't think it mattered if they were hand-loaded or not. It was a matter of there was to be no
- 102 dumpsters left there when the trucks are brought back they're supposed to go to the transfer station and
- 103 dump their load and if it was too late we allowed for one night so they can be brought the next morning,
- 104 regardless if it was hand-loaded or not.
- 105 Jalbert: Are we talking junk removal trucks or dumpster trucks?
- 106 Naves: Both.
- 107 Jalbert: Because the junk removal trucks, the way we left it, because we hand-load them, and we knew what
- 108 went in them, they would get emptied the next day. But no dumpsters are coming back full.
- 109 Goodwin: And the trucks are only coming in if it's too late.
- 110 Naves: Did you say the fence was already on order?
- 111 Jalbert: No. I haven't talked to Sam; he spoke to someone at the office.
- 112 Naves: What's in the dumpster that's in front of the loading zone?
- 113 Jalbert: It was just a little metal, but it's gone now.
- 114 Naves: Cause that was a big thing we had mentioned that the neighbors were going to be keeping an eye on
- 115 it, and they have a drone and sent pictures to the Board of Selectmen.
- 116 Jalbert: Okay I figured he could see the mattress dumpster right from his house.
- 117 Grohol: My only concern would be by moving the fence, would the site lines change? Moving it closer to
- 118 the road, if you can somewhat see over the fence if you're across the road? The point of the fence was to
- 119 hide the dumpsters, and if you move it up to the front it may no longer do that.
- 120 Jalbert: It would depend on the height of the fence, but I see what you mean. The people across the street
- 121 are much higher though.
- 122 Grohol: And that's why I thought this plan made sense because the fence would hide the dumpster which I
- 123 feel like it would no longer do that. It was a privacy fence not a security fence.
- 124 Ligols: Unless the arborvitaes grow tall enough where the neighbor wouldn't be able to see the dumpsters,
- 125 but even then, you wouldn't be able to store dumpsters longer than 24-hours.
- 126 Grohol: I mean the gate is going to be open all day long, I don't think, I believe that your request is coming
- 127 from the right place, but it is not going to address the reason we asked for the fence in the first place.
- 128 Ligols: If I may we have another issue. We knew the neighbor was going to keep a watch on him, but I
- 129 didn't think anyone would be flying drones over other people's property. It's not my area of expertise, but
- 130 it's one thing to look out your window and another to fly something over someone's property.
- 131 Goodwin: I don't disagree with that, but the picture is the picture, and it shows a full dumpster not of
- 132 mattresses and another full truck that's covered.
- 133 Goodwin: I think it is semantics, I think that whether it is mentioned as the trunks or the dumpsters, the
- 134 intent of the decision was anything that was holding trash could not be there for longer for one night.
- 135 Grohol: Also I don't think we ever made a clear distinction between whether the dumpster was hand loaded
- 136 versus not handloaded.
- 137
- 138 *The Board and Jalbert discuss distinction between dumpster and dump truck. Generally, the Board*
- 139 *considers dumpsters and dump trucks to be the same, and that was the intention of the decision, Jalbert*
- 140 *disagrees. Additionally, discussion and distinction between what is being hand-loaded by Jalberts*
- 141 *employees versus loaded by customers.*

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- 142 Grohol: The Board did not make a distinction between the hand-loading by employees versus hand-loading
143 by customers that you are. The Board treated all waste materials as equal.
- 144 Jalbert: There was a lot of back and forth on that, we can go back and watch and listen to it but there was a
145 lot of back and forth. There was a clear difference between the two.
- 146 Goodwin: I remember discussing because we weren't sure what was in them and we were concerned about
147 hazardous materials, but the intention of the decision was to not have any debris related material longer
148 than overnight. It was our understanding that the only reason it would need to be stored longer than one
149 night was if the facility that takes it was closed.
- 150 Ligols: We don't even mention hand-loaded in the decision.
- 151 Planner: We spoke about hand-loading in relation to the aquifer and proximity to the wetlands
- 152 Jalbert: Everything that's on here is about dumpsters are far as the conditions go.
- 153 Grohol: Condition #4 specifically notes the trucks being separated by the fence.
- 154 Jalbert: I'm not trying to hide anything. The metal and the mattresses I saw as okay because they were
155 hand-loaded.
- 156 Goodwin: I would like to see the majority of conditions met before discussing any request for modification.
- 157 Ligols: I would like to see you have a better relationship with your neighbors. The spirit of the decision is
158 that no dumpsters for longer than 24 hours, not 48 hours. If they need to stay, put them inside. Let's at least
159 make it 6-8 months of no complaints and then we can revisit the modifications.
- 160 Jalbert: So, are you saying anything behind the fence can stay for 24 hours? Dumpster or truck?
- 161 Grohol: If need be, with the understanding if the dump is closed it would give you one business day to wait
162 to get rid of it.
- 163 Jalbert: Including a dumpster?
- 164 Grohol: Yes, on the impervious surface. We understand that you are in an industrial zone, but we want to
165 make sure you are adhering to the conditions and being a good neighbor.
- 166 Goodwin: I want to make it clear that includes both hand-loaded and non-hand-loaded, we don't see a
167 difference in difference in how long those can be there. It is max one day regardless. We can issue a
168 statement clarifying if it helps.
- 169 Jalbert: Well, I think we'll have to go back through this because junk removal trucks are different than
170 dumpsters. It would have totally different conversations if you were thinking they were the same thing. I
171 would never have agreed to that.
- 172 Goodwin: What is the difference between the debris in a dumpster and a truck?
- 173 Jalbert: If a truck is broken or has a flat tire it may sit there for a couple of days. That wouldn't be good, if
174 we aren't moving trucks, we aren't making money. What I understood is the way it's written in here.
- 175 Goodwin: To be honest your objection to the trucks being mentioned in the decision tells me that it's more
176 than just an exception based on a truck breaking down.
- 177 Jalbert: I just don't think the trucks should be in this conversation.
- 178 Ligols: We're just trying to understand your business.
- 179 Jalbert: I'm not trying to argue the difference between the two, just what we talked about versus what you
180 want to change or modify now.
- 181 Ligols: To be fair it wasn't really conveyed to us it was a junk truck until I saw the pictures.
- 182 Jalbert: Go back and watch all the discussion.
- 183 Goodwin: In the decision it does state trucks, so they were discussed at some point.
- 184 Naves: It was right on the plot plan where the dumpsters and the trucks were going to be kept, which is
185 beyond the building.
- 186 Jalbert: The whole meeting was about dumpsters, but I can move the trucks behind the building too.
- 187 Goodwin: It's not just about the location but how long things are stored overnight.
- 188 Ligols: I would say in addition to arborvitaes I would put 16 ft pine trees in the front to make it secluded.
- 189 Jalbert: I don't care because I'm not hiding anything. Again, with hand-loading things I didn't think I was
190 doing anything wrong.

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- 191 Ligols: There could be a lot more nuisance businesses there than this.
- 192 Grohol: I don't think the Board is open to any condition changes at this time. We would like to see the
- 193 original conditions met. Building the fence as proposed, doing the plantings, and the impervious surface is
- 194 in place for dumpster.
- 195 Ligols: I wish you nothing for the best and that you double your business, but for now, stick to what the
- 196 plan was and maybe we can revisit this in November. When did you start?
- 197 Jalbert: December or January.
- 198 Ligols: Lets make it through summer, late fall, and then revisit it.
- 199 Jalbert: I mean once the fence is in, it's in, there's nothing to revisit.
- 200 Goodwin: For a procedural point, do we need to continue this to a specific date?
- 201 Planner: No, this is not a public hearing. As a note I have forwarded the Board and Jalbert the YouTube
- 202 links to the two public hearings that we had on this matter.
- 203 Jalbert: If I do want to put a fence in front of my property?
- 204 Planner: It must adhere to our other regulations regarding fences in Town.
- 205 Goodwin: Additional fence wouldn't impact what we have in our decision. I want to make it clear that
- 206 hand-loading versus not handloading is not a determining factor in how long stuff can be kept on site or
- 207 where it is to be kept.
- 208 Jalbert: I get what you're saying but I'm not necessarily agreeing to that right now. Cause you guys just
- 209 want to find this sitting right here because that's not what we talked about at the meetings. I hear what
- 210 you're saying but we're not just doing to modify this which is different than what we talked about at the
- 211 meetings.
- 212 Naves: I don't think it's different, it's exactly how we interpreted it. Your plan shows them together.
- 213 Whether trash is in a metal box or on the back of a truck, it's one in the same. We may not be up on your
- 214 jargon, but I took it as they were the same, because it was all supposed to be hand-loaded so there wasn't
- 215 anything hazardous, and those are the conditions we set which were more geared towards satisfying the
- 216 public. I am more personally adamant about sticking to the conditions because I have an obligation to the
- 217 public.
- 218 Goodwin: I agree, and the intent is not to modify anything tonight but if there isn't an understanding there,
- 219 then we might need to look into reopening the application because there's obviously a misunderstanding
- 220 between the applicant and the Board on the conditions.
- 221 Planner: I would have to look into how to procedurally do that.
- 222 Jalbert: Just watch back those videos and you'll see what I'm talking about with hand-loading versus not
- 223 hand-loading. I don't like that it's getting to this point where you want to modify. Cause I don't care cause
- 224 they're not going to sit longer than a day.
- 225 Ligols: We don't want to modify anything.
- 226 Goodwin: The spirit of the Boards decision was that any debris, hand-loaded or not, is still applicable to the
- 227 conditions in this decision.
- 228 Jalbert: That's my issue because that isn't what we talked about during the meetings. Hand-loading and
- 229 dumpsters are totally different things. I get what you're saying but you're trying to modify the terminology
- 230 sitting right here.
- 231 Goodwin: Our intention isn't to modify anything right now. We're just trying to make it clearer what our
- 232 intention was when we rendered the decision. If there is a disagreement on that fact, we might need to look
- 233 into some things.
- 234 Planner: I think it would be prudent for everyone to take a look at the videos because the conversation is
- 235 going in circles now. That is just my suggestion.
- 236
- 237 SEWELL ST: Update



238 Planner: Building permits have been filed for, we are hoping to get those approved soon. There is a third-
239 party review as it is such a large project. Because it is going through this process, it may be coming before
240 the Board more frequently now.

241

242

243

TOWN PLANNER UPDATE

244

Planner: If you are up for re-appointment, please make sure to make an appointment with the Town
245 Clerk prior to. Additionally, we are still in the process of the 150 Center St/Strawberry Fields
246 Feasibility Study, the next visioning session is July 27th at Town Hall at 7 PM. There's also more
247 information on the Grants & Projects page on our website.

248

249

OTHER ITEMS NOT REASONABLY ANTICIPATED AT THE TIME OF POSTING

250

None.

251

252

ADJOURNMENT

253

MOTION: Ligols motions to adjourn the meeting. Grohol seconds the motion. Voting aye: J. Grohol,
254 aye. B. Ligols, aye. C. Goodwin, aye. Jason Naves, aye. The motion passes.

255

256

Respectfully submitted,

257

Annie Schindler, Town Planner & Conservation Agent