

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

APPROVED 8-2-2023

MOTION: Naves made a motion to approve the May 3, 2023, meeting minutes. Grohol seconded the motion. The vote was 4-0. The motion passes.

Board/Committee Name: ZONING BOARD OF APPEALS 7
Date: WEDNESDAY, May 3, 2023 8
Time of Meeting: 7:30 PM
Location: 183 MAIN STREET GROVELAND, MA 01834

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

Absent: Mark Parenteau

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

Public Present: Stephen Glowacki (80 Montvale Ave, Stoneham MA), John & Janice Pardo (278 School St), Bill Bryan (75 Prospect St, Hingham MA), Frank Bryan (912 Salem St, Groveland), Matt Lovett (280 School St, Groveland), Tom Taylor (1 Ashcroft Ter, Groveland), Mark Abare (144 Hilldale Ave, Haverhill MA)

NOTE: Minutes are not a transcript, see video for an exact transcript.

Goodwin: Call to order the meeting of the Groveland Zoning Board of Appeals at 7:30 PM on May 3, 2023.

MOTION: Ligols motions to open the meeting. Naves seconds the motion. Voted all in favor, the motion passes.

PUBLIC HEARING

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

Goodwin: Reads the above notice.

Glowacki: For the record I am Steve Glowacki of RJ O'Connell Ass. Civil Engineers for the project on behalf of Mark Abare, who is present, the landowners are also present. We are here as you said for a Special Permit in accordance with your Table of Uses. We were able to meet with staff through TRCs, as well as Natural Heritage for Blanding's Turtle habitat that is on this site. They indicated that where we want to build this building is outside of their jurisdiction. We also know we will have to file with the Planning Board and the Conservation Commission. The lot is approximately 22 acres and currently has a single-family home, garage, and other smaller structures on it. Access currently is through a single driveway. The parcel is in three different zoning districts, but this project will be entirely within the industrial district. Our proposal is for a 22,000 sqft building with parking, as well as areas to be able to drive up to. Vehicle access will likely be where it is now. The development area will only be approximately 2.5 acres of the 22 acres. We will also discuss parking, this doesn't fit specifically within the parking requirements in the bylaws, so we used the ITE manual and determined the number of parking spaces for 1,000 sqft of contractor space and designed for that. We think it fits in the neighborhood. I look forward to entertaining any questions.

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- 46 Ligols: Do you have contractor storage anywhere else?
47 Abare: No.
48 Ligols: Will there be bathrooms?
49 Abare: Yes, bathrooms, heat, small office.
50 Ligols: Do you plan on developing the back of the property?
51 Glowacki: There is currently a pathway through the property through the wetlands, but we have no
52 intention of the developing the back of the property at this time.
53 Goodwin: How many units are you looking to have within the structure?
54 Abare: 11 spaces. It would be a pre-manufactured building, each with a man door and garage door.
55 Naves: Do you have any idea of what the traffic in and out would look like?
56 Glowacki: A traffic report will be done so we can fully understand the impact this project will have.
57 Ligols: You'll have to use the ASHTO Green Book for that?
58 Glowacki: Yes.
59 William Bryan: Current owner of the property. From what I understand there are installing a stop light
60 at the intersection of School St and Salem St, which is long overdue.
61 Stokes II: So, we're talking 3.5, less than 4 parking spaces per unit if they fill it.
62 Ligols: The impact to the wetlands moving forward, typically we see this after folks go to Planning
63 Board and Conservation.
64 Glowacki: We wanted to first come here to see if the Board would even be amenable to something like
65 this.
66 Stokes II: We used to be last. I'm not against the idea of it but it gives the other Boards a chance to
67 look at it.
68 Ligols: It is also within the aquifer protection district and would require a special permit. I also don't
69 know if Conservation has had a chance to look at this.
70 Agent: You will see that the Chairperson of the Conversation Commission has provided comments
71 that are in your packet. He sent it to me after I had sent your packets out digitally.
72 Grohol: I think from the zoning perspective the use is appropriate, they are building within the
73 industrial area of the site, and they are coming to us for the use, not for parking or conservation.
74 Goodwin: I don't disagree.
75 Planner: *Reads into the record department comments.*
76 Ligols: Will it be rentals or condo?
77 Abare: Rentals.
78 Ligols: I think that all the tenants may have to be required to file for a special permit because it is a lot
79 of conservation, and it is within our aquifer. Fertilizers are a prohibited use, and you probably don't
80 want to build the containment.
81 John Pardo, 278 School St: I have a couple of questions, and I don't know if this is the right group. My
82 first was about traffic, it looks like there are going to be more traffic conversations with the new light.
83 Goodwin: Yes, that would be more fully investigated with the Planning Board.
84 Pardo: I don't know what kind of business are going in there, but noise as far as hours of operation,
85 because it is a residential district and there are a lot of kids.
86 Goodwin: Yes, that would be our jurisdiction.
87 Ligols: You have to understand though that they are in the industrial zone, and they do boarder the
88 residential.
89 Pardo: I understand that I'm just trying to voice my concerns. My third question is that this hearing is
90 limited to this area, it's not the rest of the area of the site? Approving this doesn't allow them to
91 develop the rest of the site.
92 Goodwin: Correct.

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- 93 Ligols: But the question does arise, what would further development look like? I see you would need
94 to do a wetland crossing to access the other buildable portion of the site.
- 95 Glowacki: Yes, there were several considerations that had us downscaling our original plan. This isn't
96 a phased project. Access is very limited.
- 97 Ligols: Do you have the okay in writing from Natural Heritage?
- 98 Glowacki: When we went to Natural Heritage, they suggested we have a consultant look at the site and
99 from the wetlands back is habitat, which is another reason we kept the development away from the
100 back of the property. We have a pathway with them if we want, but it isn't a consideration right now.
- 101 Ligols: I develop, and I know that Natural Heritage would probably take a portion of the property for a
102 conservation permit.
- 103 Glowacki: I have a question from a prior comment. You mentioned potentially applicants coming back
104 before the Board, if we have an Order of Conditions that limits us to what we can do, and we stay
105 within those boundaries.
- 106 Goodwin: I believe you would. Because we wouldn't know what type of approvals they may need.
107 Any restrictions that we put on this would be the general operations of the site. Regarding the question
108 of septic?
- 109 Glowacki: The plan is still within the planning phases of design, but we're showing potential
110 stormwater and potential septic area. We do still have some leeway in the positioning, but we will
111 coordinate with the Board of Health.
- 112 *Discussion regarding location of habitat on the site.*
- 113 Naves: If this is the industrial zone, this could be used for light manufacturing, and would it have to
114 come before the Board?
- 115 Planner: No, it would not have to, light manufacturing is by right.
- 116 Naves: Like Millenium Plastics.
- 117 Ligols: A lead smelting plant is by right?
- 118 Planner: I wouldn't consider that to be light manufacturing.
- 119 Naves: This would be considerably less impact.
- 120 Planner: Per the definition in our bylaw, light manufacturing is fabrication, processing, or assembly
121 employing only electric or other substantially noiseless and inoffensive motives of power utilizing
122 hand power, quiet machinery and processes, and free from neighborhood disturbing agents such as
123 odor, gas, fumes, smoke, cinders, flashing or excessively bright lights, refuse matter, electromagnetic
124 radiation, heat, or vibration or hazardous materials or chemicals. So that would be permitted as of right
125 in our industrial zone. That doesn't mean they wouldn't still have to go to Conservation or Planning,
126 they just wouldn't have to come to Zoning for a special use permit.
- 127 Goodwin: The definition doesn't speak to the volume of manufacturing.
- 128 Ligols: The problem with our bylaw is that it triggers hazardous material use.
- 129 Planner: The way our bylaw is written, for prohibited uses, it says manufacturing other than light
130 manufacturing, so anything not defined by light manufacturing, would be prohibited. Rendering plants,
131 dumps, slaughterhouses, etc. are all prohibited.
- 132 Goodwin: Can you remind me what the hours of operation are for the industrial zone?
- 133 Agent: The normal operating hours are 7 am to 11 pm Monday to Saturday, for as of right uses.
- 134 Stokes II: I think we should check with our Counsel that if we make a decision, we let other boards
135 take a look at the plans because we don't want to tie anyone's hands, so that everyone else can have a
136 crack at it. We used to go last.
- 137 Naves: I don't know if that makes sense to me, like I said, if it was light manufacturing it wouldn't
138 come here, so all we're doing is just approving the use. Whether or not they can use this location for
139 this use. The other boards still have to cover the other aspects of the site.



140 Planner: Correct, when making a determination for a special permit for use the Board has to look at the
141 seven criteria, social and economic needs, traffic and safety, adequacy of other utilities, neighborhood
142 characters, impacts on the natural environment, potential fiscal impacts on the town, consistence with
143 the Town development plan. Those are some of the determinations that need to be considered, hours of
144 operation, number of employees, things of that nature that regard use have to be evaluated as well.
145 Like Ligols mentioned, depending on the tenants they may have to receive a special permit for use as
146 well. But as we are learning in another situation in Town, we have to be careful about making a
147 decision based on another board's jurisdiction. That is my caution, we can't make a decision based on
148 something we have no jurisdiction over.

149 Grohol: I don't think we have enough information on some of the seven criteria that you just listed.
150 For example, we don't have enough information on traffic safety. I understand that is Planning
151 jurisdiction, but we don't have the information in front of us. I think we're in agreement that this is a
152 good use for the land, but I'm concerned about criteria #2 and potentially #5.

153 Ligols: How ready are you to do a site plan for the Planning Board?

154 Glowacki: We still haven't gone into full design, as we were under the impression that we were to
155 come here first we wanted to see what the Board thought.

156 Grohol: In the past we've had other applicants come in and address each of these 7 points and defend
157 them, and we find that helpful.

158 Glowacki: To make sure we're on the same page, you want us to go to Planning and Conservation
159 first?

160 Ligols: Yes, so that some things can get ironed out. We would probably condition it so that each bay
161 would have to come in unless it is light manufacturing. Would the building inspector/zoning
162 enforcement officer be the one to make the determination about light manufacturing and whether or
163 not a tenant would have to come back to the board?

164 Planner: If it were for light manufacturing, they wouldn't have to come to the board at all. Another
165 example that is permitted as of right is medical wholesale, they wouldn't have to come into the board.
166 It would be up to the zoning enforcement officer to determine if something going in was not light
167 manufacturing, but if the tenant were to argue that point, the appeal would come to the board.

168 Naves: I think #5 would come from our Conservation Commission, maybe a memo.

169 Ligols: Probably an FYI but you should decide if you want to go to three phase stuff because when
170 they say two years they mean two years.

171 **MOTION**: Goodwin motions to continue the hearing on application #2023-6 to June 21 @ 7:30 PM.
172 Ligols seconded that motion. Voted all in favor. The motion passes.

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174 **MINUTES**: Approval of the February 15, 2023, meeting minutes.

175 **MOTION**: Goodwin motions to approve the meeting minutes from February 15, 2023. Ligols seconds
176 the motion. Voting aye: Stokes II, Ligols, Goodwin, Grohol. The motion passes. Naves abstains as he
177 was absent for the February meeting.

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179 **TOWN PLANNER UPDATE**

180 Agent: I just wanted to let the Board know that the applicant for the last special permit we issued, a
181 special use permit for Your Place and Ours, emailed me to let me know it will not be acted upon. The
182 applicant stated that the purchase and sale fell through. She wanted to thank the Board for granting the
183 permit.

184 Stokes II: Did Pub 97 come in? I know they sold.

185 Agent: I will double check to see what the original special permit said. Other than that, nothing new on
186 the horizon that I'm aware of.



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OTHER ITEMS NOT REASONABLY ANTICIPATED AT THE TIME OF POSTING

None.

ADJOURNMENT

MOTION: Goodwin motions to adjourn the meeting at 8:30 PM. Ligols seconds the motion. Voted all in favor, the motion passes.

Respectfully submitted,
Annie Schindler, Town Planner & Conservation Agent

Meeting Materials: May 3, 2023, Meeting, Application Package for 912 Salem St Special Permit, Department Comments on 912 Salem St Special Permit Application, Draft February 15, 2023, Meeting Minutes