

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 12-6-2023**

2 Board/Committee Name: ZONING BOARD OF APPEALS 2
3 Date: WEDNESDAY, September 6, 2023 3
4 Time of Meeting: 7:30 PM
5 Location: 183 MAIN STREET GROVELAND, MA 01834

6 Present: John Stokes II, Chris Goodwin, Jason Naves, Brad Ligols
7 Absent: John Grohol
8 Staff Present: Annie Schindler, Environmental Program Coordinator & Town Planner
9 Public Present: Jesse Jalbert

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

12
13 Goodwin: Call to order the meeting of the Groveland Zoning Board of Appeals at 7:30 PM on September
14 6, 2023.

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

16
17 **PUBLIC HEARING**

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

23 Planner: In your packet you can find a more formal update from the representative as to where they are in
24 the project. They are on the agenda with Conservation for the September 27th meeting, and for Planning
25 they will be on the October 3rd agenda.

26 **MOTION:** Ligols motions to continue Application #2023-6, 912 Salem Street to the October 4, 2023,
27 meeting at 7:30 PM. Stokes II seconds the motion. Voted all in favor, the motion passes.

28
29 154 CENTER ST: Discussion regarding enforcement action taken against the property.

30 Goodwin: Sam, the Zoning Enforcement Office, and Annie, went out to the site last week to check on the
31 non-conformances.

32 Planner: Yes, that is correct, Sam put together an email update that summarizes the site visit. I got an
33 update from Mr. Jalbert yesterday on the planting plan and other comments. That is not in your packet
34 since I only received it yesterday.

35
36 **MOTION:** Ligols motions to recess for a couple of minutes. Stokes II seconds the motion. Voted all in
37 favor, the motion passes.

38
39 *The Board motioned so the Planner could print out this most recent update from Mr. Jalbert.*

40
41 **MOTION:** Ligols motions to reopen the meeting. Stokes II seconds. Voted all in favor, the motion
42 passes.

43
44 Planner: Reads into the record Sam's email dated August 30th, 2023, to Jesse Jalbert and Annie Schindler.

45
46 “As discussed here is a recap from an enforcement standpoint based on today’s site visit.
47 - There was no storage of full or partially full dumpsters on site.
48 - Trucks and dumpsters were screened by fencing in compliance with the decision. - The rear storage area
49 has not been completed as Mr. Jalbert states he does not need that area for storage at this time. When the
50 space is needed, he will connect to sewer which will enable him to decommission his septic system so
51 that he can construct the storage area.
52 - The screening at the front of the property was discussed and Mr. Jalbert will submit a vegetation plan for
53 the Board’s approval. Once approved by the Board the screening will be installed.
54 - Also discussed is the placement of further vegetative and fence screening to the right of the entry which
55 would provide further visual screen from the neighbors and the street. This is not a requirement of the
56 decision but a note of discussion.

57
58 If I have made incorrect statements or have missed information that should be sent to the Board please let
59 me know and I will adjust accordingly.

60 Thank you,
61 Sam Joslin
62 Building Commissioner
63 978-556-7209
64 SJoslin@Grovelandma.com”
65

66 Planner: There were no comments by the applicant on the first two matters. On the third matter which was
67 that the storage area was no complete, the applicant states that the sewer tie-in would be completed in
68 Spring 2024 and that they don’t bring full dumpsters back to the yard and may never, but they will
69 construct the pad if they plan to do so. They are fully aware that partially full or full dumpsters are not to
70 be brought back unless the pad is constructed. The next comment regarding the vegetation, the applicant
71 states that they have attached a plan showing the proposed vegetation with 25-30 arborvitaes to maximize
72 screening which he is hoping to complete by the end of November. The next comment was regarding the
73 further vegetation, the applicant notes he wants to add additional screening from Center St with an
74 additional 10-15 arborvitaes. He also states he will be adding temporary fencing for additional screening
75 which will be done by the end of November.

76 Goodwin: I would like to run through the initial conditions of the application and have a Board discussion
77 on those considering Sam and Jesse’s comments and whether they have been met. First, condition two,
78 storage of completely or partially full dumpsters shall be reserved to the area noted on the plot plan. Such
79 area shall be constructed with impervious surface with curbing for spills.

80 Ligols: So, we don’t have any curbing or any paving.

81 Jalbert: There are no full dumpsters.

82 Naves: Is it just the trucks that have trash in them and empty dumpsters?

83 Jalbert: Yes.

84 Ligols: So, there is trash in the trucks that could have motor oil in them, that’s why we’re looking for
85 impervious surface. It wasn’t just for the dumpsters it was for the trucks too.

86 Jalbert: No, the concrete pad is just for dumpsters if we have full dumpsters.

87 Ligols: But the reason we have impervious is for truck parking as well.

88 Goodwin: We all did go back and watch the video, and if you look at the October 19th. 2022 meeting,
89 your counsel explained that the proposed area for proposed dumpsters and trucks, so it was for both.

90 Jalbert: What ever you guys say, but it’s not. The pad is for dumpsters, it was made to be big enough for 5
91 dumpsters. Where would you like me to put an impervious surface for all of the dumpsters and trucks?

92 Naves: In the top left corner.

93 Jalbert: The plan shows where it should go, and it states that it is just dumpsters.

94 Goodwin: So back to Sam’s comments and your plans, is your plan to eventually offer full dumpster
95 storage on site?

96 Jalbert: We're using our other yard for storage of full dumpsters, I'm not sure if we'll do that here.

97 Goodwin: So regardless of the quantity we're talking about here. My concern is that the initial approval

98 condition is for the plan that we were given. In my opinion, either the pad needs to go there as indicated

99 in the plan, or you should submit a new plan showing that you're not going to store dumpsters there.

100 Jalbert: It's a waste of money to construct the pad if I'm not going to store full dumpsters there, but I want

101 to retain my right to construct it if I want.

102 Ligols: Then you would have to construct the pad.

103 Goodwin: If your plot plan says that you're going to be doing something I want the site to be prepped for

104 what it says you're going to do. Until we have a plan that says this section is gone, the condition stands.

105 Jalbert: My point is there have been no full mattresses in the yard besides that one with the mattresses.

106 Goodwin: However, the decision states that you would construct a pad because you planned to do that.

107 We need to be very literal, and we approved this plan with that condition, so if you don't want to do that,

108 in my opinion a revised plot plan showing that not there anymore would suffice that condition needing to

109 be there.

110 Jalbert: I will need to think about it. I didn't know I had to put the pad in.

111 Goodwin: On to the next condition. Storage of full or partial full dumpsters shall only be within the area

112 identified on the plot plan. Any more discussion on this point?

113 Board: No.

114 Goodwin: The next item is regarding the storage of prohibited items, which has since been resolved.

115 Ligols: As long as it doesn't happen again, I'm okay with it.

116 Goodwin: The next one, condition four is regarding the fence separating the full and empty dumpsters as

117 shown on the plot plan. I know as of right now you have a temporary fence with screening attached to it

118 for visual blockage. The condition does allow for that pending completion of the sewer project so the

119 fence can be permanent.

120 Jalbert: Correct.

121 Naves: That was pending the Town sewer project and that is now complete.

122 Jalbert: The fence is there.

123 Ligols: it is not an installed fence it is a temporary fence.

124 Jalbert: Show me where it needs to be a permanent fence. If you are going to be difficult with me on this,

125 I will be just as difficult.

126 Ligols: I take offence to that. All of us come in and do this for free. I own two businesses in Town, and I

127 do things the right way if you did things the right way you wouldn't be sitting here.

128 Goodwin: The building inspector wrote that the applicant can build a temporary fence pending the

129 completion of the sewer project. This was in the letter that was sent certified.

130 Jalbert: I put the fence up right away.

131 Goodwin: At this point there's a temporary fence and you have no plans to add a permanent fence.

132 Jalbert: Correct, and I'm not going through Conservation for a permanent fence.

133 Goodwin: Next condition was that no full dumpsters would be stored outside of their designated area. I

134 know that was happening, but it isn't any longer.

135 Jalbert: Yes except for the one in the loading bay. That was brought into compliance when the other

136 dumpster with the mattresses was brought up.

137 Goodwin: Lastly the vegetative buffer which will be approved by the Board of Appeals. What is the

138 timeframe for the planting?

139 Jalbert: End of November.

140 Naves: What's the size of the plants?

141 Jalbert: Five feet.

142 Goodwin: I think the neighbors will appreciate the additional screening.

143 Stokes II: Is it within Conservation jurisdiction?

144 Planner: I can talk about it with the applicant as the Conservation Agent, and depending on what type of

145 work you're doing would depend on the type of permit you would need.

146 Goodwin: I'm concerned with timing and that we've had to nudge this into compliance. I would think the
147 earlier the better. We'll consider the mattress issue rectified since it hasn't been an issue again. We'll
148 consider the vegetation complied with since we have the plans. I see two remaining issues, condition 2
149 and condition 4, the pad issue and the fence issue.

150 Jalbert: it seems like I'm going to have to construct the pad whether I want to use it or not because you
151 won't let me get it back if I remove it from the plan.

152 Goodwin: From the date of receipt of the letter you had 30 days to rectify, and I'm still seeing those two
153 remaining items that need to be brought into conformity. I recommend the Board make a motion to have
154 the Board recommend enforcement of the previously mentioned fines and penalties as outlined by the
155 Groveland Enforcement Officers' in the letter dated July 30, 2023 citing two instances of nonconformity
156 with the Board's decision regarding application 2023-4 unless they are made by the enforcement date to
157 the Towns satisfaction.

158 Ligols: What is that?

159 Goodwin: According to the letter is it \$100 for the first offence, \$200 for the second offence, \$300 for the
160 subsequent offences.

161 Jalbert: But per the bylaw I have three years to do it.

162 Goodwin: Right, this is just the Boards recommendations, but it would be up the enforcement officer to
163 decide. That date would be by the 11th of September.

164 Naves: The conditions were the fence and the pad?

165 Goodwin: Yes. This would get sent to the Zoning Enforcement Officer and it would be up to him whether
166 to levy the fines.

167 Naves: Because you have three years to complete the plans, I don't think there would be anything from
168 the enforcement officer. That's not a specific non-compliance. I think we should get Sam's
169 recommendations prior to making a motion.

170 Goodwin: I will withdraw that motion. We can talk about condition 9 which is no storage of full
171 dumpsters for longer than one business night.

172 Naves: I would like to know how Jesse interprets that.

173 Jalbert: I interpret it how it's written.

174 Naves: That was specifically for trucks.

175 Jalbert: That's not what's written.

176 Goodwin: The statements from you and your council say otherwise.

177 Naves: That was the whole point in us going back and watching the videos.

178 Discussion: *The board discusses the difference between dumpsters and dump trucks, how they are*
179 *transported, what was said during the meetings versus what is in the conditions.*

180 **MOTION**: Goodwin makes a motion to continue the discussion on Application 2023-4 to our next
181 meeting October 4th. Ligols seconds the motion. Voted all in favor, the motion passes.

182

183 **MINUTES**: Acceptance of May 3, 2023, meeting minutes.

184 **MOTION**: Naves motions to accept the May 3, 2023, meeting minutes. Ligols seconds the motion. Voted
185 all in favor, the motion passes.

186

187 **TOWN PLANNER UPDATE**

188 Planner: The Master Plan has an ongoing survey up for another two weeks, and we will be at Groveland
189 Day with the consultant. Also at Groveland Day we will be there with the consultants to talk to residents
190 about the 150 Center St/Strawberry Fields Feasibility project. We are also in the middle of our Housing
191 Production Planning, our first outreach session will be at the end of the month, more info to follow. We'll
192 be gearing up to do more work on our Hazard Mitigation Plan. At our next meeting, September 20th, we
193 will be seeing a Pub 97 application, like the ones we saw for Your Place and Ours, and Riverside Pizza.

194

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

196 Goodwin: I asked the Town Planner for an update on Sewell St/Quarry for project updates as well as
197 address some stormwater issues.

198
199 **ADJOURNMENT**

200 **MOTION:** Ligols motions to adjourn the meeting at 8:28 PM. Stokes seconds the motion. Voted all in
201 favor, the motion passes.

202
203 Respectfully submitted,
204 Annie Schindler, Town Planner & Conservation Agent

205
206 *Meeting Materials: September 6 2023 Meeting Agenda, Correspondence from 912 Salem Street, 154*
207 *Center Street Decision, Correspondence from the Zoning Enforcement Officer regarding 154 Center Street*
208 *Enforcement, Correspondence from Jesse Jalbert regarding 154 Center Street, Draft May 3 2023 Minutes*