

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 3-6-2024

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

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

Absent: John Grohol

Staff Present: Annie Schindler (Town Planner & Conservation Agent)

Public Present: Steve Glowacki (Rep. for 912 Salem Street), Bill & Frank Bryant (owners of 912 Salem Street), Mark Abare (Applicant for 912 Salem Street)

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

Goodwin: Call to order the meeting of the Groveland Zoning Board of Appeals at 7:30 PM on October 4, 2023.

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

PUBLIC HEARING

CONTINUED: 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 (R-1), and Residential 2 (R-2) 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.

Glowacki: Steve Glowacki with RJ O'Connell & Associates, we are the engineers for the project. The applicant and owner of the properties are here as well. Since we were last here in May, we have filed a NOI with the Conservation Commission and a Site Plan Approval and Special Permit for Stormwater and Land Disturbance with the Planning Board. We did test pits for the stormwater features, wetland delineation, full engineering design, etc. We also prepared a traffic report which addresses some of the questions you had. Working with LEC, the environmental consultant, we had a determination from NHESP and received positive recommendations with some minor conditions. The primary feedback we got from Conservation was to pull the paved areas out of the 100-foot buffer zone. We will be following up with them at their next meeting after a site walk. We've provided a draft updated plan showing sliding the building and parking to the south side to be outside of the 100-foot buffer. We will be having our first Planning Board meeting on October 16th, although it may change to October 30th. We received a peer review from TEC a few days ago and at a quick glance we believe we will be able to address the comments. From the traffic perspective, the traffic reviewer noted that there is sufficient sight line distance to anticipate and avoid collision based on the speed of the road and their assessment. In terms of traffic volume there will be a minor increase, a 1% increase on the road and they believe the road can handle that increase. In terms of the points associated with the special permit, we feel like this commercial project will create employment opportunities for residents, there are adequate utilities for the

project. We will be installing a septic system which wouldn't cause a burden on Town utilities. We feel that this type of business is in line with the neighborhood and the other commercial properties in the area. We will be doing landscaping as well. As far as impacts on the environment we are doing a full stormwater report to mitigate stormwater running from the site and treating the stormwater, additionally we will provide erosion control measures during construction. The turtle's habitat will also be preserved. We don't foresee any negative fiscal impacts to the town with this project. There will be no school-age children, and while there may be some police and fire calls, nothing out of the usual. But as it would house businesses it would bring in tax revenue. And for consistency with the Master Plan, given that this is in the industrial zone we think that this is something that is consistent with the goals for responsible development in this area.

Ligols: Where is the septic going to be located?

Glowacki: It is going to be on the north side of the site, set away from the basin. We did some test pits for stormwater but for the septic as well to get a preliminary feel.

Ligols: What about a tractor trailer making the turn? It is only a 24-foot driveway, it would probably be better if it was 40 or 50.

Glowacki: TEC did note that in their report. Given the size and limitations of the site there will be a limitation of what size vehicle you can get in there. We can widen the radius there, we were just trying to keep it at a manageable size but we can look at expanding it to accommodate something larger.

Ligols: You know if someone who does HVAC goes in there, he is going to want rooftops units delivered that will come in on a tractor trailer.

Glowacki: They semi just may have to pull up alongside the building and pull around the back.

Goodwin: Yeah, I'm concerned about getting in and out of the site and navigating within the site.

Glowacki: We looked at that for the modified plans for emergency vehicles, so we think that it work as sort of a hammerhead rather than going around the whole site. It is a tight site with setbacks.

Ligols: Did you run it by the Fire Department with trucks?

Glowacki: We have not yet but we are going to prepare an emergency vehicle turning plan.

Ligols: How was the soil out front? Sand?

Glowacki: If I recall they are B soils, which will work for the infiltrations systems we are proposing and the septic system.

Ligols: Do you have the traffic study?

Glowacki: I haven't furnished it yet, but I have a copy that I can give to you to look at. It looks at some of the points relative to sight distance, vehicle speed, traffic associated with the project, etc.

Naves: The way I look at this is as a special permit for use, if it was a building for light manufacturing, we would never have that application in front of us. So, when I think about the fact they're going to be using it for a contractors yard my focus is more on the use of the property. For the trucks turning in and out that will be part of the Planning Board decision. I just don't think the septic or the trucks turning is within the scope of what we're going to permit. I think we should focus more on the use. As for traffic, I don't see it being a huge increase. I think the bylaws make this a special permit because it will allow us the opportunity to say things like no storage outside etc. I think it's great to hear all this, but I think a lot of it gets dealt with somewhere else.

Ligols: I do to but in the interest of health and safety we need a list of what will be prohibited in the building. Like pesticides, fertilizers, etc. There is a list somewhere.

Planner: I believe what they are looking for is a list stating what will and will not be allowed on your premises, specifically in relation to what is listed in the Aquifer Protection Overlay portion of our Bylaw, as well as our Table of Uses.

Glowacki: Okay, that makes sense.

Ligols: Will these units be condos or rentals?

Abare: Rentals.

Ligols: What is the timeframe for this?

Glowacki: We are still going through permitting; I would imagine breaking ground in the spring.

MOTION: Naves motions to continue application 2023-6 for 912 Salem Street to November 1 at 7:30PM. Ligols seconds the motion. Voted all in favor, the motion passes.

154 CENTER ST: Discussion regarding enforcement action taken against the property & planting plan.

Goodwin: I would like to start with the planting plan. It was submitted by the owner at the last meeting showing the additional arborvitae that they are proposing to plant. I would like to approve the plan so he can get started on that.

MOTION: Goodwin motions to approve the planting plan submitted by the owner regarding 154 Center Street. Naves seconds the motion. Voted all in favor, the motion passes.

Goodwin: We had reached out to the owner for some definitions and answers to some questions regarding the conditions. We had left it with him that we wanted to define some of the conditions so that we could eliminate some of the ambiguity. We got his response yesterday. Any discussion on the response?

Ligols: His prohibited list specifically because he says mattresses are okay within a junk removal truck but not in a dumpster. His lawyer said it was prohibited, period.

Naves: It provides us with a great example that there was no distinction between the dumpsters and the trucks.

Goodwin: He addresses that here as well. It is going to be an overarching theme with this.

Ligols: I would take them as the same thing as they both haul trash.

Naves: As he said at the last meeting, the trucks aren't there for more than one business day, which I wouldn't have a problem with.

Stokes II: Mattresses are prohibited no matter what.

Goodwin: I think it is a couple of different things. I think we need to define our difference between trucks versus dumpsters. The prohibited list is the list, the medium that the items are in is irrelevant because the list is the list. If you have a hazardous substance, it doesn't matter where it is, it can't be on the property.

Ligols: He's also talking about the trucks and how one is a CDL and one isn't, but they are all commercial trucks that do the same thing in the end.

Goodwin: For the septic system he is looking to wrap that project into other building improvements and the timeline on that is April 1st and May 31st. I am comfortable with that timeline. Then he goes into an overview into the junk removal business and the dumpster rental business.

Stokes II: I don't care if mattresses are brought every two days to the dump, they don't belong in Groveland. He has a list of stuff, and he knows what it is. They don't belong in Town.

Goodwin: I would tend to agree, like I said, a prohibited item list is a prohibited item list.

Ligols: I think the real definition is that a dumpster cost \$800-\$1500 and for a truck it's \$50. It's a cost saving. But at the end of the day, it is still...

Goodwin: ... it is a trash removal receptacle.

Ligols: Yes. There are to be no mattresses.

Goodwin: Is there anything we want further clarification on?

Stokes II: I noticed that he doesn't want the Building Inspector to come on to the property. Can't the Building Inspector, by right once receiving a complaint, enter a property?

Planner: I spoke with the Building Inspector and in MGL he doesn't have a right to enter unless it is a matter of public safety, like a building caving in, etc.

Stokes II: I don't think he can keep them off if he receives a complaint from someone.

Goodwin: I would think it would just be a matter of contacting the owner beforehand and asking to enter the property.

Naves: The property abuts our Highway Department, if we want to be able to see what's going on we can just go to the Highway yard.

Stokes II: If we are going to go down this mattress road, we should contact attorneys and let them handle it.

Goodwin: I think for the next meeting it would make sense to draft something to further clarify the conditions from our perspective.

Ligols: I just want him to run the business like he alluded to.

Goodwin: I think clarification on the permit will make things better for the sake of moving forward and no more back and forth.

Planner: If the Board wants to issue something, they should make a motion to do so.

Stokes II: We should put the prohibited item list in the letter.

Goodwin: I would like to put together a letter of clarification that I will work on with the Town to draft and we can vote on it at the next meeting to make it official.

MOTION: Ligols motions to make a concrete list of what is okay and what is prohibited and let Chris draft it to look at the next meeting with the bylaws included and the prohibited item list he included.

Naves seconds. Voted all in favor, the motion passes.

MINUTES: Approval of the August 2, 2023, meeting minutes.

MOTION: Naves motions to approve the August 2nd meeting minutes. Stokes II seconds. Voted all in favor, the motion passes.

TOWN PLANNER UPDATE

Planner: These are the last few days to get your comments in for the Comprehensive Master Plan, you can find more information on that on our website under the Grants & Projects section. The Board of Selectmen will also be appointing a new alternate member to the Board at their next meeting, the new member should be present at the Boards next meeting.

OTHER ITEMS NOT REASONABLY ANTICIPATED AT TIME OF POSTING

None.

ADJOURNMENT

MOTION: Goodwin motions to adjourn at 8:12 PM. Ligols seconds. Voted all in favor, the motion passes.