

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, November 1, 2023
Time of Meeting: 7:30 PM
Location: 183 MAIN STREET GROVELAND, MA 01834

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

Absent: John Stokes II

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

Public Present: Steve Glowacki (Rep. for 912 Salem Street), Bill Bryant (owner of 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.

MOTION: Ligols motions to open the meeting. Grohol 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: For the record I am Steve Glowacki with RJ O'Connell & Associates, we are the engineers of record. Since our last visit we have issued applications to the Planning Board and have had our first meeting with them. The input from that meeting echoed input from our last meeting, specifically around the entrance of the site. We've widened the driveway to better facilitate truck delivery. The other point that was discussed was having access around the building. One of the challenges we've had here is that with the Conservation Commission there is a 100-foot buffer zone that circles the site on three of the four sides. So on the north side of the site there is a bit of buffer zone that the building butts up against. In speaking with the Planning Board, we spoke about expanding the access drive around the back of the property, as it is more practical for access. We discussed traffic last time as well and a report was done. Sight line distances work in this area, the driveway is primarily in the same location as the current residential driveway, so we think it makes sense to leave it there. The trips projected to come out of the site have all been backed up by ITE. There were concerns from the board last time about what types of businesses would go in here. We prepared a memo outlining the prohibited uses in the Aquifer Zone and that we won't entertain any of those uses in this building. We have been working with the peer reviewer and ConCom to fine tune these plans.

Board: We like the expanded driveway and access around the entire building.

Ligols: So, on prohibited uses, am I correct in saying, anytime a tenant comes in they are going to have to come here to get approval?

Glowacki: I would think it gets flushed out when they get their business license with the Town.

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Goodwin: By right would be allowed, but any other restrictions that we put on this or within the aquifer bylaw there would be specific uses that can't be there. As long as they are within the parameters there's no further approval necessary.

Planner: If something were to go into the space that is a use that is already permitted by right, they would not need to appear before the Board. As an example, if a dry cleaner were to go in there, it would be allowed through a special permit with the Zoning Board, but a hardware store is permitted as of right, so they wouldn't need to get a special permit with the Board.

Ligols: In the decision it is going to have to state that process for uses and the Aquifer prohibited uses.

Grohol: So, what about quasi uses which we've run into lately. Like junk clean out, dumpster storage, etc.

Glowacki: When someone would apply for a business license in Town, they get notified that they have to do their diligence as to whether it is an allowed use or not. Could that be a mechanism to trigger them to come in to the Board.

Ligols: We can put together a provision that we want to see the lease as written.

Goodwin: I think that's tough because they have the right to do things.

Ligols: I know but things like what can and cannot be stored there.

Goodwin: Yes, but that would be an agreement between the owner and the tenant, not the Town.

Glowacki: Yes, it would be the responsibility of the applicant to ensure that their lease is in line with the permit. The Planning Board decision would be the one to condition outdoor storage.

Grohol: My concern is a dumpster. How many dumpsters are allowed in the parking area. What if someone renting space has a dumpster business that wants to set up there.

Ligols: TEC also wanted to know about outside storage because each person will probably have two spots and you don't want any overflow.

Goodwin: Would the applicant be okay with us prohibiting the storage of outdoor storage?

Glowacki: Say we were to sell the whole building, and someone were to set up a dumpster business here, I don't think it is prohibited.

Ligols: We've already come up with this, once bitten twice shy, would the dumpsters be empty or would they be full. Mattresses are a prohibited use. What's in the dumpster? Hazardous materials are a prohibited use.

Goodwin: With the very short distance between the buffer and the parking what if there were to be a spill.

Glowacki: I would imagine it's covered in the bylaw.

Discussion regarding the use of dumpsters on site and potential of a dumpster company being in the building, adding a condition that if someone wants to put in a prohibited use they would have to appear before the Board.

Planner: If a use is prohibited, they would have to get a variance, but the way our bylaw is written the Board is not able to give variances for use.

Grohol: I've seen longer tables of uses, ours is broad.

Glowacki: I understand what you mean. It's difficult to go through all the options. I'm not sure there is an easy way to put it in the decision. Could you indicate a limit to dumpsters per tenant?

Ligols: What size?

Goodwin: We don't want to get in the way of what is required to run a business, but we want to somewhat control the type of business.

Naves: When any of these are rented out, do they have to get an occupancy from Sam (*Town's Building Inspector*)?

Goodwin: Once the building is done, they will get an occupancy permit.

Ligols: When he is done with the building, and it is all signed off and they go for a CO and then that's it. But if someone raises an issue Sam or Annie will get a call.

Naves: Sam gets the business licenses. The Town Clerk wouldn't issue a DBA for a business that is prohibited in the Table of Uses.

Glowacki: Then maybe that is the mechanism that can be used as the first line of defense. At least to the point where if it is a grey area, it would get pushed to the Board to take a look at it.

Ligols: As far as the parking are we within spaces needed necessary?

Planner: Parking requirements are under the jurisdiction of the Planning Board.

Glowacki: Yes, we did discuss that with the Planning Board and presented that information to them.

Ligols: What is the traffic flow potential out of this site?

Glowacki: Total vehicle trips on weekday morning peak hours are anticipated to be 37; 27 coming in and 10 coming out. A weekday evening peak is expected to be around the same. These are per hour. Weekends aren't calculated because this type of business wouldn't be at a peak. And the sight lines have been vetted based on vehicle speed.

Grohol: Would you be amenable to adding under prohibited uses dumpsters as a rental business.

Glowacki: Sure, I think that would require going back to the Planning Board as that would require outdoor storage. That being said, if a dumpster business rented the entire building and stored everything inside, would that be prohibited? My point in saying that is that between the ZBA and Planning Board, that would prohibit the storage of outdoor materials, being dumpsters.

Grohol: But I'm talking about our Board here and we are a use permit that you are applying for so I'm talking about use. I don't care about what the Planning Board is doing or saying.

Glowacki: Understood. What I would suggest is, rather than pinpointing a specific business, could you say a use that does not require outdoor storage.

Grohol: Well, it's a contractor's yard.

Glowacki: Yes, it's really a flex space.

Grohol: I guess what I'm struggling with is a dumpster as material, because what is a dumpster on the back of a truck that carries it, and it never actually comes off that truck. Now is that material or is that a business's truck that they are parking there and they happen to have ten of those that they line up.

Glowacki: I would say that if it were on the back of the truck it's a business's truck.

Goodwin: I think our concern is if you're bringing in a dumpster on the back of the truck that is full of stuff and that stuff is prohibited, it potentially poses something that we don't want used there.

Ligols: I think we're getting stuck on garbage and dumpsters and contents, etc. so I think to make it easier, if there is going to be a dumpster guy, transportation, junk truck kind of situation, I think they need to come into ZBA.

Grohol: It would need to be in the orders.

Ligols: Would they be amenable to come in to talk about what their potential business could be?

Grohol: I don't want to vet every single one.

Ligols: Right, but if someone is coming in with a dumpster company because we were bitten once, I think we should be able to see them. But I think we're getting stuck on this is all going to be contractors which we don't know. There could be a CrossFit company in there, a physical therapist, we don't know.

Goodwin: Which is why we don't want to vet every business that goes in there.

Board: We would feel comfortable with a condition that states that if someone were to operate a junk business or dumpster business, they must come in to speak with the Board prior to opening.

Glowacki: We're fine with that.

MOTION: Ligols motions to close the public hearing. Grohol seconds the motion. Voted all in favor, the motion passes unanimously.

Goodwin: We will get a decision drafted and vote on it at the next meeting which will be held on December 6th.

154 CENTER ST: Discussion regarding enforcement action taken against the property & planting plan.
Goodwin: As we discussed in the last session the Board approved me to work with the Town Administrator and Town Planner and make a clarification letter that we will be voting on. It is in your packet for your review. We tried to go through all the conditions listed in the original approval and provide some clarifying statements on them to get to what the Board intended with the approval. We are having counsel review to make sure everything is done properly before is issued to the applicant.

APPLICATION: Review draft for new application format.

Planner: I sent the Board a draft of the new application. I looked at other communities ZBA applications and used those to create this new one, tailored to Groveland. There are still some formatting issues that need to be fixed. I wanted the Board to start taking a look at this. Our current application could be better, for example the first page doesn't even have a location to write where the project is. The goal is to make it easier for applicants and the Board. At this point I would like the Board to just take a look at it to circle back with any comments.

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

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

TOWN PLANNER UPDATE

Planner: The special permit for Pub 97 has gone through its appeal period with no appeals and has been recorded at the registry of deeds. Sewell Street is still going through building permit review, TEC will be beginning their stormwater review shortly. The cell tower at Cedardale, they are hoping to be complete with that end of spring/early summer. I'm also working through our escrow accounts for the department and we have a couple of accounts whose projects are complete but just need to be formally closed out by the Board, so I will be asking the chair to add that to the next agenda.

OTHER ITEMS NOT REASONABLY ANTICIPATED AT TIME OF POSTING

None.

NEXT MEETING: December 6, 2023.

ADJOURNMENT

MOTION: Naves motions to adjourn at 8:15 PM. Ligols seconds. Voted all in favor, the motion passes.

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183 Main Street
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Christopher Goodwin, Chair
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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 arborvitaes 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.