

**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 4-3-2024**

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

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

Absent: Brad Ligols

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

Public Present: Jon Ralphs (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 of Wednesday December 6, 2023.

**MOTION:** Naves motions to open the Groveland Board of Appeals Wednesday December 6, 2023, meeting. Stokes II 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.  
Planner: At the last meeting the Board wanted to get a decision drafted, which I have done and provided in the meeting packet. These are the findings for the 7 different criteria for granting a special permit for the Board to make findings on. I've also added some conditions based on conversations the Board has been having at their meetings. At the last meeting the Board asked about how DBAs are issued; they go to the Town Clerk, but they also get sent to the Zoning Enforcement Officer as well.

Goodwin: We'll start with the social and economic needs that are served by the proposal.

Naves: I think the additional tax revenue, without additional strain on the structure, police and fire, I think it would be beneficial for the community.

Board: We agree.

Goodwin: Next, traffic safety, parking, and loading. I am satisfied that the changes to the original plan will make the traffic flow better.

Naves: I think the traffic study that was provided really laid it out and broke it down as far as the impact that there would be, which is minimal.

Board: We agree.

Goodwin: Adequacy of public utilities and other services. I think that area is pretty well served for the public service and utility.

Naves: Yes, the only potential would be with getting the necessary equipment for electrical, but that is more of a supply chain issue.

Goodwin: Next, the neighborhood character and social structures.

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Naves: Being in the Industrial Zone, I think an industrial building makes sense.

Goodwin: And with the setbacks the impact at the street level will be minimal.

Board: Agreed.

Goodwin: Impacts on the natural environment. I think that where this is going by the buffer zone, I think that the plan calls for the caution you need working in this area.

Naves: I think with the stormwater plan as well we will really make sure that there is no impact on the natural environment.

Board: Agreed.

Goodwin: Alright, next is potential fiscal impact including impact on Town services, tax base, and employment.

Grohol: It can only help it.

Board: Agreed.

Goodwin: Last, consistency with the Town's Master Plan. As we've spoken about, the tax increase etc. will all benefit the Town.

Goodwin: *Listed draft conditions in their meeting packet. Draft decision is attached.*

Naves: On #9, no manufacturing, manufacturing is zoned by right in the Industrial Zone, so I was confused as to why that was in there.

Goodwin: Should we rephrase to have it say any manufacturing more than light manufacturing?

Stokes II: Or have it say limited to light manufacturing without a hearing.

Planner: In the Bylaws, it is allowed by right, so it doesn't really need to be in here, and we don't allow for other types of manufacturing. I can't remember why I added this to the draft.

Board: We will strike #9 that from the decision as it is superfluous.

Naves: I have a question about #14, underground storage tanks. If the septic system ends up being a tight system, that would be a storage tank.

Planner: We could specify no underground storage tank with the exception of the septic system.

Naves: And what about food grease storage tanks? If a light manufacturer for food packaging goes in there, they could potentially need a tank for storing food storage waste.

Stokes II: I would hate to limit them now, but you don't want something going in there without knowing.

Grohol: But is that consistent with a contractor yard? While a food packaging place could go in there, it's not what we're permitting right now.

Planner: The definition of contractor yard would not allow for food packaging. Should I keep the adjustment noting that no storage tanks besides septic can go in?

Board: Yes.

Goodwin: Any further discussion on the decision?

Ralphs: It seems like you went through the decision from before, one of the main topics last time was the junk storage business as well as the aquifer zone impacts. We shrunk down the building to ensure that the access drive is outside of the buffer zone.

**MOTION**: Grohol motions to accept the decision for special permit application #2023-6 912 Salem Street with the conditions set forth. Naves seconds the motion. Voting aye; Stokes II, Goodwin, Grohol, Naves. The motion passes unanimously in favor.

Planner: I will update the draft and let the Board know when it is ready for signatures.

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

Goodwin: We had drafted a letter of clarification for some of the conditions of the previous approval. It was sent off to counsel to be reviewed by them as well. To paraphrase, most of what we had in the letter they were okay with, with the exception of the clarification of the dump trucks versus dumpsters, which we cannot include.

Planner: Correct, counsel gives their opinion on that in the letter, but basically, she said that dump trucks and dumpsters are not the same thing.

Naves: She says we would have to modify the special permit and there is case law that supports that. I don't think I would question that dump trucks are different than dumpsters. I just question whether there is a difference between dump trucks and trash trucks.

Planner: To your first point, I believe what she meant was that the Board is not able to make any modifications without the applicant submitting an application for a modification.

Grohol: They are trucks with dumpsters on the back of them. That isn't typically what a dump truck is. The fact that she went to dump trucks I didn't understand either.

Board: Agreed

Naves: Dump trucks are generally for hauling materials, earth, gravel, and construction materials. Trash trucks are designed to haul trash, household refuse, which is what they put in those trucks and what they are designed to handle.

Planner: I understand where you are coming from, but I don't think it would matter. A trash truck still isn't a dumpster.

Naves: The box on the back of the trash truck is a dumpster and I think the correlation be made with that, versus a dump truck. That is something I would like more clarification on.

Grohol: I don't know where she came up with dump truck as we don't mention it anywhere.

Goodwin: What we tried to define it as in the letter was "any conveyance, devise, or other medium that could contain any type of volume of debris, material, garbage, trash, refuse, junk, discarded machinery or substance of any kind, regardless of who is responsible for loading." In essence we were trying to say anything you put household refuse in is anything you put household refuse in.

Stokes II: I don't remember ever allowing dump trucks.

Grohol: We didn't.

Goodwin: He has two types of trucks. One that brings a dumpster to the property and leaves it there and picks it up when the person no longer needs it. Then he has the other that has a conveyance that's built into the truck.

Grohol: I think the Board would like clarification on the definition of a dump truck opposed to a trash truck.

Naves: Yes, and if you change a dump truck with a trash truck and does that change the opinion.

Goodwin: I would take it a step further than that, that we weren't trying to label it, just anything that holds trash.

Naves: A trash truck has never been discussed here as a dumpster but it is today so that could be us labeling it now.

Goodwin: The spirit of this debate was trying to get at was when we had the discussion with him during the application process, the Board felt that we were clear about any receptacle used to haul away debris from any of his clients, we didn't want to make the distinction. I think during the meetings we specified a couple of things, and we just didn't specify it in the ruling and we are just trying to make sure that all our bases are covered that we were trying to cover.

Planner: For counsel, I want to make sure I'm asking them what the Board would like. Basically, where did counsel come up with the term dump trucks, as the Board intended it to be any medium for hauling away refuse? And reiterating the point that the Board just wants to clarify that they mean anything medium can only be present for one night, not just a dumpster. I will reach out to counsel with these points through the Town Administrator.

Stokes II: Are there any restrictions on signage?

Planner: Yes, we have a whole section of our bylaw dedicated to signage. I can have the Building Inspector take a look at the sign on the site to see if it's compliant and get an update for the next meeting.

**SEWELL STREET:** Update on drainage.

**Planner:** Apologies, I forgot to put this in the meeting packet. Basically, TEC did a report on the stormwater for the project. There are some comments for the applicant to address, but nothing major. The applicant is also very close to receiving a building permit. I will send out the report tomorrow that I omitted.

**CLOSE OUT 20 BARE HILL RDOAD/CEDAR DALE:** Close out escrow account for project.

**Planner:** We had a consultant do a Radio Frequency review and there were remaining funds in the account. The invoices have been paid so this can be closed out. Also, they are hoping to get the tower functioning by the beginning of next summer.

**MOTION:** Naves makes a motion to close out the escrow account for 20 Bare Hill Road/Cedardale. Grohol seconds the motion. Voted all in favor, the motion passes unanimously.

**APPLICATION:** Review draft for new application format.

**Planner:** This is again more so a document for the Board to look at and comment on. This new application provides more information on the project. I think it is also more user friendly and more useful. I think it would be helpful for the Board to take this paper copy home and do a redline version and send it to me prior to the next meeting.

**Grohol:** Does the current application require a certified plot plan?

**Planner:** No, it does not, that is something I wanted to discuss with the Board. Our Zoning Enforcement Officer also works in West Newbury, and there they require it for every application, but I agree that it is a little excessive for certain projects. I wanted Board guidance on this topic.

**Grohol:** It seems excessive for people who are just looking for a change of ownership or a use permit.

**Planner:** Agreed. My concern is that if the Planner makes the call that they do not need a certified plot plan, and then they come in to the Board for their first meeting and the Board decides they want the plot plan, it can delay process.

**Board:** We will take a look and let you know if we have any comments.

**MINUTES:** Approval of the September 6, 2023, meeting minutes.

**MOTION:** Grohol motions to approve the ZBA minutes from September 6, 2023. Naves seconds the motion. Voted all in favor, the motion passes unanimously.

### **TOWN PLANNER UPDATE**

**Planner:** On December 19<sup>th</sup> at 6 PM we are going to be hosting a community information session for the Housing Production Plan. We are working on this with MVPC. It will be in the main meeting room. It will specifically focus on what people want to see for housing in Groveland, where they want to see it, things like that.

### **OTHER ITEMS NOT REASONABLE ANTICIPATED AT TIME OF POSTING**

**NEXT MEETING:** January 3, 2024

### **ADJOURNMENT**

**MOTION:** Goodwin motions to close the meeting at 8:15 PM. Stokes II seconds the motion. Voted all in favor, the motion passes.



**Town of Groveland**  
Economic Development  
Planning & Conservation Department  
Zoning Board of Appeals

**DECISION FOR SPECIAL PERMIT**  
**APPLICATION #2023-6, 912 SALEM STREET**

**PETITIONER:** Mark A. Abare                      **DATE:** December 6, 2023  
144 Hilldale Ave  
Haverhill, MA

**PROJECT ADDRESS:** 912 Salem Street                      **HEARING:** September 20, 2023  
Groveland, MA  
41-095-0

YOU ARE HEREBY notified of the Decision of the Board of Appeals on the application made by Mark A. Abare (the "Applicant") for property owned by William T. Bryan III of 158 Academy Ave, Weymouth, MA 02188, located at 912 Salem Street, Groveland MA, Assessors Map 41 Lot 095, located in the Industrial (I) Zoning District, where the project is location, and the Residential 1 and Residential 2 Zoning District (the "Property").

As set forth in the application filed with the Board and testimony given at the public hearing, the Applicant sought a Special Permit pursuant to MGL 40A and the Groveland Zoning Bylaws Section 14.6, in accordance with Groveland Zoning Bylaw Section 4.5 Table of Uses for a Special Permit for the use of a contractor's yard.

The application was filed on April 4, 2023, and notice of such public hearing was given by posting in Town Hall, publication in the Eagle Tribune on April 19, 2023, and April 26, 2023, and by certified mail return receipt to all parties-in-interest as defined in MGL Chapter 40A Section 11.

The Board, as authorized by the Groveland Zoning Bylaw Section 14.4, heard Application #2023-6 at a public hearing on September 20, 2023, at the Groveland Town Hall.

The following members were present at the hearing: Chris Goodwin, John Stokes II, Brad Ligols, and John Grohol.

**FINDINGS**

The Board makes the following findings in connection with this Decision, which references the criteria for the granting of a Special Permit in the Groveland Zoning Bylaw Section 14.6(A).

- (1) Social, economic, or community needs which are served by the proposal.

Board discussion

- (2) Traffic flow and safety, including parking and loading.

**Commented [AS1]:** Board should discuss each of these points at the meeting Dec 6th

*Board discussion*

- (3) Adequacy of utilities and other public services.

*Board discussion*

- (4) Neighborhood character and social structures.

*Board discussion*

- (5) Impacts on the natural environment.

*Board discussion*

- (6) Potential fiscal impact, including impact on Town services, tax base, and employment.

*Board discussion*

- (7) Consistency with the Town of Groveland Community Development Plan or the Town of Groveland Master Plan.

*Board discussion*

For the reasons stated above, the Board finds that the application meets the criteria for granting a Special Permit.

#### **CONDITIONS**

*Note from AS: DBAs do go to the Zoning Enforcement Officer prior to issuance.*

1. Use of the Property as authorized hereunder is for a "Contractor's Yard", as defined by the Groveland Zoning Bylaw Section 2.1.
2. Applicant shall adhere to the regulations outlined in the Groveland Zoning Bylaw Section 6.2, Aquifer Protection Overlay District.
3. If a junk removal business were to be considered for a lease, the lessee must appear at a regularly scheduled meeting of the Board to discuss their business plan.
4. The hours of operation shall be: ~~Monday to Sunday, 7:00 AM to 11:00 PM.~~
5. Signs shall adhere to the Groveland Zoning Bylaw Article 11, Sign Regulations.
6. All parking shall be off-street, for employees and patrons. Any expansion of parking may require further permitting.
7. Deliveries/pickups are allowed during operating hours only.

**Commented [AS2]:** These are the normal operating hours for the Industrial Zone.

8. No floor drains.
9. No manufacturing.
10. No petroleum, chemical solvents, hazardous or toxic materials, or any other substances deemed hazardous shall be stored or used on the premises.
11. No on-site storage of pesticides, herbicides, fertilizers, fuels, and potentially toxic or hazardous materials in quantities greater than those associated with normal household use.
12. No discharge of non-sanitary waste.
13. All sanitary disposal systems shall meet Title 5, CMR 310 rules and regulations.
14. No underground storage tanks allowed.
15. Applicant shall meet all State Rules and Regulations for disposal and storage of all waste.
16. Any change of use to this Special Permit will require a subsequent hearing prior to any changes being allowed to commence and could require a new filing.
17. The Applicant shall receive any required federal, state, and local permits required to operate.
18. Permit is subject to recall if written complaints are received given due process.
19. In accordance with Groveland Zoning Bylaw Section 14.6(E), if the rights authorized to the Applicant by said Special Permit are not exercised within three (3) years from the date of granting of said Special Permit (filing date with the Town Clerk of the Boards decision), then such rights granted shall lapse unless a substantial use thereof has commenced, expect for good cause.

**DECISION**

The Board voted XXX to XXX Application #2023-6 and XXX the Applicant a Special Permit for a contractor’s yard use at the Property.

The application package shall be deemed part of the decision.

The motion was as follows:

XXX made a motion to XXX. XXX seconded the motion. **A vote was taken. Voting aye: XXX. Motion XXX.**

YES NO ABSTAIN ABSENT

CHAIR (C. GOODWIN)  
 MEMBER (J. STOKES II)  
 MEMBER (J. NAVES)

MEMBER (J. GROHOL)  
MEMBER (B. LIGOLS)  
ALT. MEMBER

This Special Permit **does not take effect** until it has been recorded in the Southern Essex District Registry of Deeds. The Book and Page number must be communicated to the Town Clerk and Town Planner for documentation.

Any appeal of this decision shall be made pursuant to MGL Section 17 of Chapter 40A.

**BOARD OF APPEALS**

\_\_\_\_\_  
Chris Goodwin, chair

+++++  
Executed as a sealed instrument this \_\_\_\_\_ day of (date) \_\_\_\_\_

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS (DATE) \_\_\_\_\_

The personally appeared the name \_\_\_\_\_ and  
acknowledged the foregoing instrument to be his free act and deed, before me.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires: