



**Town of Groveland**  
**Economic Development**  
**Planning & Conservation Department**  
**Planning Board**  
 183 Main Street  
 Groveland, MA 01834

*Brad Ligols, Chair*  
*Walter Sorenson, Vice-Chair*  
*John Stokes III*  
*Chris Goodwin*  
*DJ McNulty*  
*Jason Naves, Associate*

TOWN OF GROVELAND

APPROVED 4-23-2024

<b>BOARD:</b>	Planning Board
<b>MEETING DATE:</b>	<b>January 9, 2024</b>
<b>MEETING PLACE:</b>	Town Hall and Zoom
<b>TIME:</b>	7:00 PM
<b>MEMBERS PRESENT:</b>	B. Ligols, C. Goodwin, J. Naves, D. McNulty, W.F. Sorenson Jr., J. Stokes III
<b>MEMBERS ABSENT:</b>	<i>None.</i>
<b>GUESTS:</b>	Steve Glowacki (912 Salem Street <i>representative</i> ), William Bryan III (912 Salem Street <i>owner</i> ), Craig & Kathy Weaver (25 Cannon Hill Ave), Bill Burnham (TEC)

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*Note: Minutes are not a transcript; see the recorded meeting for verbatim information.*

*Pursuant to Chapter 20 of the Acts of 2021, "An Act Relative to Extending Certain COVID-19 Measures Adopted During the State of Emergency", extended by the Governor on March 30, 2023, which extended permission for boards and commissions to conduct remote meetings, the Planning Board conducted this meeting in a hybrid format.*

**MOTION:** Goodwin motions to open the Planning Board meeting of January 9. Stokes III seconds the motion. Voting aye; McNulty, Goodwin, Ligols, Stokes III, Naves. Voted unanimously in favor, the motion passes.

**MINUTES:** Approval of September 5, 2023, October 16, 2023, and December 19, 2023, meeting minutes.

**MOTION:** Goodwin motions to accept the September 5, 2023, October 16, 2023, and December 19, 2023, meeting minutes. Naves seconds the motion. Voting aye; McNulty, Goodwin, Ligols, Stokes III, Naves. Voted unanimously in favor, the motion passes.

**TOWN PLANNER UPDATE**

**Planner:** The owner of 1 Elm Park will probably be applying for a Site Plan Review and parking reduction Special Permit in the near future, we should solidify a meeting schedule for the next couple of months. 106 King St/Katie Lane is going well, the first home received their Occupancy Permit. 833 Salem Street is going well, at least two buildings are up.

**929-931 SALEM STREET:** Review of vault storage plans.

**Planner:** The applicants engineer has provided a response and TEC is taking a look and evaluating the comments.

**ZONING BYLAW CHANGES:** Schedule for hearings.

**Planner:** The Building Commissioner and I touch base every year on different zoning changes we are looking to make. One that we've been seeing is that Battery Energy Storage Systems (BESS), large scale

battery storage, seems to be heading in the direction of solar panels, meaning that they cannot be prohibited. We are working to put a bylaw together to zone for these systems to get ahead of this.

Board: *General discussion on BESS and the implications of having a bylaw in place versus not.*

Board: We are available February 6<sup>th</sup>, February 20<sup>th</sup>, and March 19<sup>th</sup>.

### **833 SALEM STREET/15 NELSON STREET**

*Ligols recuses himself.*

**MOTION:** McNulty motions to have Chris as a temporary chair. Naves seconds the motion. Voting aye; McNulty, Goodwin, Stokes III, Naves. The motion passes.

Goodwin: Last time we just wanted the foundations in, correct?

Planner: Correct.

Ligols: There are now two buildings complete. Electrical is going in at the end of the week. We're looking for a temporary CO by February 13<sup>th</sup>. We'll be missing paving and fencing. For Nelson Street we were going to put an overlay down on Nelson Street, but we don't have to disturb Nelson Street anymore because we brought the water in from another direction. The development on Sewell St is going to use it for access. Looking for a \$25,000 reduction on Salem Street and the full amount on Nelson Street.

**MOTION:** Sorenson motions to reduce the 833 Salem Street bond to \$25,000 and the full amount on the Nelson Street bond. Naves seconded the motion. Voting aye; McNulty, Goodwin, Stokes III, Naves, Sorenson. The motion passes.

*Ligols returns to the Board.*

**Continued 912 SALEM STREET:** In accordance with General Laws, Chapter 40A, as amended, Groveland Zoning Bylaw Section 13, and Groveland Stormwater Bylaw and Regulations, the Board will hear the application 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 Site Plan Approval and Stormwater Management and Land Disturbance Permit. The application is for the construction of a contractor's yard and associated site work for the project.

**MOTION:** Sorenson motions to opening the hearing for 912 Salem Street. McNulty seconds the motion. Voting aye; McNulty, Goodwin, Naves, Ligols, Sorenson. Stokes III abstains. The motion passes.

Glowacki: When I was last here, we had some discussions regarding truck turning and the outstanding peer review comments. Since then, we've submitted additional items. We tweaked the wall away from the septic system, and we'll be providing a final stamped plan. The other was that some of the proposed trees were too close to stormwater lines. We'll ensure that is addressed in the final plans. The last item at the meeting was the location of the sign, it has been placed on the plan. It is a location place holder; the actual design will adhere to the bylaw.

McNulty: Should note where the sign is near the Groveland Gas sign, so that you don't block their sign and they don't block yours.

Sorenson: Have you done a traffic study with the new lights?

Glowacki: Our engineer did a study on sight line. We also looked at traffic volumes. Annie provided us with a draft for potential conditions and one is that after 75% occupancy of the units to have a traffic engineer to do a field evaluation to ensure the intersection isn't being impeded. The peaks are rather minimal. We haven't seen the traffic study for the light, but usually there is a growth factor worked into that calculation.

Ligols: What happens at 75% there is a heavy use and there's a turnover and it becomes minimal?

McNulty: You would just need to adjust the timing of the light.

Glowacki: Yes, it would just be to tweak the traffic light. It should be a minor fix.

Sorenson: Was a traffic study done on the intersection? What was the traffic count?

Glowacki: It was anticipated for an average weekday 216 trips per day.

Burnham: Regarding the traffic count; yes, TEC did do the light/intersection plans and we do have the number on it. I can get you those numbers.

Sorenson: There are times when traffic gets backed up there now. I get that 200 cars a day won't make a difference. There are times when it gets backed up.

McNulty: It is in the report from Vanesse, it says it's 15,000 vehicles per day.

Sorenson: But what about an hour-by-hour breakdown?

Glowacki: Vanesse did evaluate that, including the proposed new light, and they anticipate no issue. The nature of the proposed condition would address exactly that.

Ligols: I think they've satisfied this requirement.

Glowacki: Last time we also discussed circulation around the building. Since then, we have moved the building and made it smaller, which will allow for total circulation around the building. We also modeled that all fire trucks will be able to get around the site.

Ligols: If this building was very successful, would you try to put in another one on the rest of the site?

Glowacki: We would have to do a wetland crossing and make a good argument for it. There are other factors at play, such as utilities, turtle habitat, I'm not saying it is impossible, but I don't see it happening anytime soon. Relative to Town approvals, we've received our Order of Condition with the Conservation Commission and our Special Permit with the Zoning Board. We also have responded to TECs final comments.

Planner: There is a draft permit in your meeting packet.

Board: *Board goes through findings in the draft permit, attached to these minutes.*

Ligols: Is the project serving the social, economic, or community needs?

Board: Yes.

Ligols: Traffic flow and safety?

Board: Yes, this has been adequately met.

Ligols: Adequacy of utilities and other public services?

Board: Agreed.

Sorenson: As long as they are all underground. Is this in compliance with Dark Sky?

Glowacki: It has been designed to be Dark Sky compliant with hoods and shields.

Ligols: Neighborhood characteristics and social structure?

Board: Agreed.

Ligols: Impacts on the natural environment?

Board: This has been addressed.

Ligols: Potential fiscal impact, including impact on Town services, tax base, and employment?

Sorenson: That is for the Town Administrators input, did we get anything?

Goodwin: I think it would be minimal on the services.

Sorenson: Can we get something from town management outlining the impact of running a cruiser here or a firetruck?

Goodwin: I think there will be a positive in the collection of the taxes that would offset any services.

Planner: I received no comment on these matters when I sent out this application for review to the different department.

Ligols: If you wanted that it should have been done earlier. We'll vote on this tonight.

Ligols: Consistency with the Master Plan?

Board: We are good with this as well.

Planner: *Outlines the special conditions in the draft.* Generally, for site plan reviews the Board requires a bond of \$50,000.

Ligols: Would that be enough if they were to have issues with the wetlands?

Planner: The bond wouldn't cover that. If they were to have an issue with the wetlands, the Conservation Commission would issue an Enforcement Order and the violator would be mandated to fix the issue, regardless of cost. The Commission uses a different mechanism.

Ligols: What are you going to use for erosion controls?

Planner: It was conditioned in the Order of Conditions with the Conservation Commission.

Glowacki: We know these controls are very important.

McNulty: One of the draft conditions notes that there shall be no vehicle storage, should we elaborate?

Naves: The meaning of it was to ensure that it didn't turn into a junkyard.

Board: *Discussion on how to work this condition.*

Sorenson: Can you please add language about compliance with Dark Sky? And the language of the Town Planner enforcing the permit. Also, it notes a Planning Department, but change that to Planning Board.

Planner: Yes.

Board: For the \$50,000 bond it can be cash, letter of credit, or insurance.

**MOTION**: Sorenson motions to close the public hearing. Goodwin seconds the motion. Voting aye; McNulty, Goodwin, Ligols, Naves, Sorenson. Voted unanimously in favor, the motion passes.

**MOTION**: Sorenson motions to approve the special permit as discussed with the conditions and restrictions discussed this evening along with the final engineering report and necessary corrections. Goodwin seconds the motion. Voting aye; McNulty, Goodwin, Ligols, Naves, Sorenson. Voted unanimously in favor, the motion passes.

**MOTION**: Sorenson motions to issue the decision with the corrections, modifications listed by TEC and the final engineering report. McNulty seconds the motion. Voting aye; McNulty, Goodwin, Ligols, Naves, Sorenson. Voted unanimously in favor, the motion passes.

**HOMESTEAD LANE**: 30-foot no cut zone issue along Cannon Hill Ave.

Sorenson: I met with the residents and surveyed it.

K Weaver: The cutting wasn't dead trees. They want it to be clear.

Sorenson: This would be the second enforcement action by the Planning Board. What was obvious to me was that there was cutting in there without Planning Board approval, there are some dead trees out there. The Homestead Ln residents did have an arborist go out there. They are going to try to find some type of species to plant there. There is no doubt that the buffer zone has been violated, not by the same owner. The problem is that with the trees in this area it deletes the purpose of this buffer area. This was a protected space from the beginning. The trees must go back in there, the current owner wasn't objecting to that, just need to figure out the correct trees to plant so that they don't die.

Ligols: I think this is more of a civil matter.

McNulty: I disagree since we have a letter in front of us requesting to remove 12 trees. They now are requesting to cut more down after an arborist went out there.

C Weaver: The owners of Homestead are very aware that there was a no cut zone. I told them that and they kept going. We've called the police.

Sorenson: One of the things that I want to put in the subdivision control bylaw are that stone bound needs to be put in stating that you can't cut past this point. In the mortgage closing paperwork you receive your Planning Board decision. I'm going to meet back out there with the arborist. There is an erosion problem.

McNulty: What authority do we have to enforce what needs to be done?

Sorenson: We have a lot of authority because we put the buffer zone in effect. That's why it is a requirement now for every mortgage closing that you get a copy of the decision. We monitor it and we are in charge of it. The dead stuff has to go, the question is just where the new stuff will go. I don't think we should make a decision tonight. I'll schedule with the arborist and figure out what will be done.

Ligols: I think this is a slippery slope and the Board should be careful. You can look at it both ways, it's partially a civil matter.

Naves: A lot of these trees are ash trees, and they have a huge issue with the beetles.

C Weaver: There was also a very large stand of pine trees.

Ligols: It may implement taking more trees.

Sorenson: There's plenty of area for them to plant more trees.

Ligols: If they want to voluntarily put these in place, but I just worry about taking a civil stance.

Sorenson: We aren't taking a civil stance we're taking an enforcement stance. We can take it right back to the developer and pull an 81W and force the developer back in there. But we don't need to go there. We have consensus on both sides to do something and see what that is. The dead trees do have to come out of there, some of the ones that were tagged I had questions on, but my suggestion is that I meet with the arborist, have them fine tune it, submit it to the Board and the Board votes on it. For future subdivisions we have, we need to take a look at the menu because we have full authority to put in a buffer zone and enforce them. However, this one was prior to us putting all the plaques up so people don't forget.

McNulty: Can you remind me what your goal was with this?

C. Weaver: We want the trees restored and the erosion prevented. The erosion undermines my home and the trees in my yard. My concern is the retaining wall and any issues with that.

Sorenson: That is out of the Boards hands.

Planner: Someone did a large records request on this subdivision, and I saw that there was correspondence from Conservation allowing it to go through, but I would have to look into it more.

Ligols: I just don't think it should be called an enforcement since they are willing to work with the Board and the abutters. It should be the Boards decision to advise.

McNulty: Right now, we're just making sure that they are doing their due diligence prior to removing any trees.

Goodwin: So, we will wait to hear from the arborist and the planting plan.

C. Weaver: I just don't want my property destroyed.

**NEXT MEETINGS**: February 6, 2024, February 20, 2024, March 19, 2024

#### **ADJOURNMENT**

**MOTION**: McNulty motions to adjourn at 8:51 PM. Goodwin seconds the motion. Voting aye; all in favor. Voting aye; McNulty, Goodwin, Stokes III, Ligols, Sorenson. The motion passes unanimously in favor.