



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

Brad Ligols, Chair
 Walter Sorenson, Vice-Chair
 Chris Goodwin
 DJ McNulty
 Jason Naves, Associate

TOWN OF GROVELAND
 APR 30 PM 12:26
 TOWN CLERK
 OFFICE/POSTED

APPROVED 4-23-2024

BOARD: Planning Board
MEETING DATE: April 2, 2024
MEETING PLACE: Town Hall and Zoom
TIME: 7:00 PM
MEMBERS PRESENT: B. Ligols, C. Goodwin, D. McNulty, J. Naves
MEMBERS ABSENT: W.F. Sorenson Jr.
GUESTS: Stephen David (rep for 929-931 Salem St), Meredith Buckley (929-931 Salem St), Angelo (contractor for 929-931 Salem St), Chris Kirby (Engineer for 929-931 Salem St), Kevin Lopez (6-8 Elm Park), Rod Rivera (rep 6-8 Elm Park), Alice Twombly (91 Seven Star Rd), Dan Judson (881 Salem St)

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.

CALL TO ORDER

MOTION: Goodwin motions to open the April 2, 2024, Planning Board Meeting. McNulty seconds the motion. Voted all in favor, the motion passes unanimously in favor.

PUBLIC HEARING

NEW 6-8 ELM PARK – A public hearing in accordance with General Laws, Chapter 40A, as amended, for the application made by Rod Rivera, 97 Beach Street, Malden, for the premises located at 6-8 Elm Park Groveland, Map 10 Lot 013, located in the Business (B) Zoning District for a Special Permit for a Parking Reduction in accordance with Section 50-9.4 and Section 50-14.6 of the Groveland Zoning Bylaw due to an increase in parking for the operation of a restaurant.

Ligols: Reads the above notice.

Rivera: I'm here as the applicant. Want to turn the old pizza place into a restaurant/sports bar. We are looking for a reduction in parking since the area is already congested with other tenants, but I think the time frame we are proposing for our hours it will work out well. We are proposing Sunday to Thursday 11 am to 10 pm. On Friday and Saturday until 12 am. For parking requirements, it is 1 spot per 4 seats within the restaurant. We have 42 seats, which would require 16 parking spaces. We are asking for 6 parking spaces reduced. For employees we are going to have two employees in the kitchen and two servers, they are all family so will only use one car. Potentially three serves total.

Ligols: So up to five employees. Where would they all park if they don't come together?

Rivera: In the other places they have employees get dropped off and picked up.

McNulty: Any managers?

Rivera: I would be the manager. I would come in and check up on the place and then I would leave. I would only be there for two or three hours at a time.

Don Greeney: Don Greeney, the company I work for abuts this property in the Square. When we came before the Board for our tenants, they had to have in their lease the number of spaces that they have on the property for parking. I didn't hear any of that for what they are presenting. That property has a hairdresser, a laundromat, and Healthy Glow. There are probably 10 employees total in that building already. There are ten parking spaces total for that building. I don't know what spaces they're getting in their lease. We can also use the spaces in the square that anyone can use. There is no on-street parking, no parking across the street where the post office is. I don't want to see people come in and spend a lot of money and then have to go out of business because no one can park. The other restaurant there would try to use our parking spaces.

Ligols: Is the parking study in the meeting packet?

Planner: Yes.

Ligols: Did they give you a specific amount of space in your lease?

Rivera: Yes, I believe 6.

Greeney: The spaces out front are public parking spaces. The parking for this building is in front of Family Affair.

Goodwin: In the parking study it notes there are 192 parking spaces available.

Greeney: The shared parking spaces need to be 500 feet from the premises according to the bylaw.

Ligols: We do have dialog from the Police Chief, no parking on 113 or 97.

Greeney: They didn't line any spots on the back of Elm Park so you can't just guess the amount of spots there.

Goodwin: I think you need to give residents the benefit of the doubt that they aren't going to park illegally.

Michael Anderson: I own the property at 282 Main St, adjacent to the bank. Groveland has always had a parking problem. I came to the meeting to hear what the hours were going to be. I just found out that they are entertaining a sports bar, and we're hearing there's no on street parking on Route 97 or Route 113. My concern is I don't want to end up with spill-over with people who want to park, and they end up trying to park in my area. I don't want to be responsible to come up with signage telling people not to park there. I don't want to tow cars. I grew up in this town, I don't want to have people I know cars towed off my lot.

Goodwin: Was that a problem with the previous applicant?

Anderson: No, but that was takeout, so people were in and out. A sports bar you hang out and watch a game. We don't need people being drunk and hanging out in parking lots.

Goodwin: I think we should give Groveland residents the benefit of the doubt that they won't get drunk and hangout in parking lots.

Anderson: I'm not going to accept people parking in my parking lot.

McNulty: The site itself has 9 parking spots, and the ones out front are public?

Board: Yes.

Greeney: But they have three other tenants in the building. He thought he was getting 6 spaces but with the other tenants I don't see how that is possible.

Ligols: We will close the public comment for now. We should know from the building owner how many spots they are getting, which tenants have which spots. Because right now it's not adding up.

Goodwin: That expectation was still there for the last restaurant that they would have people sitting there as well.

Planner: The increase in spots between the two restaurants is 4.5 parking spots.

Goodwin: I think for a matter of 4 spaces and there are other public parking spaces in Elm Square I don't see the debate as far as I'm concerned.

Ligols: I see what you're saying, I just want to see what the lease says. And take a look at what's within 500 feet for parking.

Planner: The municipal lot is over 1,000 feet away.

Goodwin: In most communities you aren't parking within 500 feet from the restaurant.

Naves: Anyone know what the hours of the salon? The peak times could be off.

Greeney: Tuesday they are closed, Monday 9-3, Wednesday 9-3, Thursday 12:30-7:30, Friday 9-4, Saturday 8-4. The laundromat 5:30am-12:30am. Healthy Glow is open Monday-Thursday 9-8, Friday 9-6, Saturday 8:30-4, Sunday 10-4. The study must be counting the driveways if the study thinks there are 192 spaces. They're going to have to add a dumpster for this.

Goodwin: I assume the prior tenant had a dumpster.

Greeney: It was behind the laundromat.

Ligols: Rivera can you please mark where the dumpster locations are going to be on the site plan for the next meeting?

Rivera: Yes.

Ligols: We need some more information and to go back and look at the bylaw and the parking plan.

Board: Discussion on the staggered times of different businesses in the Square.

Ligols: If you want to bring in the owner and ask him to tell us where the parking for the other businesses are.

MOTION: Ligols motions to continue the hearing until the April 23rd meeting. McNulty seconds. Voted all in favor, the motion passes.

929-931 SALEM STREET: Project update.

David: I represent the owner, the contractor is here, our structural engineer is also here. Last week TEC issued additional comments and our engineer has also responded. Regarding permits, the application for the State Fire Marshal has been filed and our tank installer expects a decision from them at the latest at the beginning of next week. We are going to before the BoS to be able to use the tanks and the hearing will be on April 8th. This will allow us to move forward and install the tank. Remaining items are to pour the walls for the vault and then install the tanks and pour a cap for the vault. There is presently a stop work order, we had complied with everything he wanted except for the confirmation from TEC. If that were to happen the expectation the tanks would be installed within 7-10 days.

Ligols: How did we get to this point? We issued a decision about having our engineer on site. Why did you start the project without a permit? Proceed without a permit? Why did everyone avoid our decision?

David: I did file a building permit with Mr. Joslin before our work began. I think what you are referring to is starting without TEC sign off. An underground vault is very unusual for storing vaults. I'll take responsibility for that permit not being pulled. As far as what went on, prior to the pouring of the slab, we had a permit pending when the hole was excavated. Mr. Joslin inspected the hole as you have to before a foundation goes in, so that was followed. Prior to the pour the engineer came out to the site to inspect the rebar and the hole. The next day after the slab was poured Mr. Joslin received a stamped plan and a narrative indicating that all the work done was compliant with the plan and the structural integrity was okay. In the permit you're right that there is a clause that the peer review would be there to observe the pour.

Ligols: So, what do we do to rectify that?

David: We have provided TEC the information relative to the pour, Angelo got information from the concrete company and Mr. Kirby sent them over a narrative or plan relative to the integrity of the slab. I haven't seen anything from TEC to challenge that at all.

Goodwin: Just so we're clear, the slab was poured, and you did not have approval to do so?

David: I would say that TEC did not finish their comments.

Ligols: And they still haven't finished their comments.

David: Their comments aren't about the slab, it's about the pouring of the top of the vault which hasn't occurred yet.

Ligols: Was it done the way it was supposed to be done? And how do we know that? If we don't have TEC witnessing the pour, and this is a Zone II Aquifer so it shouldn't be taken lightly this is our drinking water, so I want to make sure it is done right, we don't want a problem.

David: I don't see a problem. The structural engineer who designed the vault came out prior to the pour and checked not only the ground but the rebar and everything that was done by the contractor. Mr. Joslin had inspected the hole. He was there on the day of the pour.

Goodwin: He was there because he was called because you were in violation of the cease-and-desist order. There was a cease and desist that was disregarded and a second one issued. The problem isn't with your structural engineers finding, the problem is with the process of the approval not being followed by the crew doing the work.

David: I think I've already addressed that.

Ligols: Mr. Joslin is not an engineer, he is a building inspector.

David: But he had an obligation to inspect a hole for a foundation to make sure it is suitable. I understand he has a limited function, but he was there.

Ligols: Because of the phone calls he was getting about you violating a cease and desist.

David: You began attacking the integrity of the work that was done.

Ligols: I'm not attacking the integrity of the work, but how do we know that the integrity of the work is done the way it was supposed to be done per our peer reviewer.

David: You know that because our structural engineer provided a narrative and stamped plan the next day and it was sent to TEC, and they haven't indicated any issues.

Ligols: We still don't know if they're going to sign off on something they didn't see.

Goodwin: That is the Boards issue. We stipulated as part of our decision that our peer reviewer witnesses the pour so that we can be certain about how it was done, and that was flagrantly disregarded.

Angelo: At the time the work was done we had no idea that TEC was supposed to overlook this job. When we went ahead with plans from the structural engineer, all the rebar was put in and Chris Kirby took pictures of all the rebar and we gave TEC the submittals for the concrete we used which as on the plan, and that was the only part of the job that has pictures of every rebar in the concrete and the thickness.

Ligols: Did you have a third party check out the rebar? Was there poly underneath for the pour like we put in the design? Was there concrete testing?

Angelo: The concrete testing wasn't done. But we gave them the submittals, so they know what type of concrete that was put in.

Ligols: I'm a developer who happens to be pretty well versed in fuel and when you do concrete work, we have a third part come in and do a rebar inspection to make sure everything is correct.

McNulty: Was that part of the decision for those things to be done? Or is that something people do on their own?

Ligols: It is best practice.

McNulty: So, when you went to excavate you only had a pending permit?

David: We had a special permit.

Ligols: That's not a building permit.

David: We had applied for a building permit. We did not have a permit in hand.

McNulty: I just want to have a timeline. There was a pending building permit, it was submitted but not complete, then the excavation happened prior to it being a signed permit.

David: I believe Mr. Joslin said it was okay to dig the hole.

Ligols: What I understand is the hole was dug, he gave them permission to sink the metal sheeting to finish that and that was it.

McNulty: Was TEC supposed to be there for the excavation. I think I remember hearing that comment because of the aquifer.

Ligols: Was the hole pinned?

Angelo: Yes

McNulty: Was TEC supposed to be there for that?

Ligols: No TEC was just supposed to be there for the pour.

McNulty: The issues were the sheeting and the pour of the slab?

Ligols: Yes.

Goodwin: They put in the sheeting and then issued a stop work order, which they violated when they poured the slab and another cease and desist was issued. The pour was supposed to be witnessed by TEC.
McNulty: It's irritating that it was done incorrectly twice, I just want to make sure that the work was all done correctly.

David: The engineer would not have stamped and written a narrative if he wasn't comfortable with the work.

Goodwin: We aren't questioning the engineer's competency. Our issue comes from adherence to the process more than anything else.

David: I expect that as soon as we hear back from TEC, we're hoping everything is resolved and Mr. Joslin will sign off on the permit.

McNulty: Are we up to date with TEC from the 28th with things that are partially addressed. Have these been addressed?

David: There was a response dated today. There are just two more comments that Mr. Kirby addressed.
Planner: I sent that response to TEC this afternoon.

Ligols: *Explains the original permitting history.* I'd like to hear from Mr. Kirby on this.

McNulty: We owe it to the residents to make sure it was done correctly.

Chris Kirby: The vault was designed for all the appropriate loadings, and I came out and inspected the slab and it was done exactly to plan, and I provided a field report and an affidavit for that. The slab is on ledge, I am 10% confident that the work is to plan and design. It was a pour over hard ledge.

Ligols: How do you provide concrete testing?

Kirby: I recommend taking some cylinders for the wall pours.

Ligols: What about the floor?

Angelo: We didn't take any test cylinders on that. But the concrete company had information and gave us the submittals.

Ligols: That's up to the building inspector rather than us.

Naves: When I read some of TECs comments I do have concerns. I understand things have been resubmitted, but it doesn't work well when they're submitted the day of the meeting.

David: The slab that was poured is 18 inches. TEC has all of this. They haven't raised any issues with it. They weren't hired to design the vault, just review it.

Goodwin: I would ask that before Sam issues the okay before he issues the permit to have TEC in there.

Ligols: That would be on the Building Inspector.

Goodwin: Understood, it is just a request.

Dan Judson, 881 Salem Street: I'm concerned about the pictures. I'm also a contractor, and I don't feel comfortable with the fuel leaking through the concrete. If you're going to pass this with pictures. What happens if there is damage. I'm not worried about the tanks; I'm worried about the fuel leaking and getting in our water system. Pictures don't cut it for me.

David: Normally tanks are just installed in sand, this is unusual because of the aquifer.

Judson: You started before permits, nothing got inspected, how do we know what's in that concrete. I don't take this lightly, it's our drinking water. I think it should be started over.

Kirby: The pictures were taken as verification of a physical inspection in the field. I went out into the hole, measured all the rebar, made sure it was all correct, and provided an affidavit. TEC commented that there should be a water stop in the concrete and the tank should be tested watertight. We put a lot of effort into designing this tank.

Goodwin: I think that's our problem, the people that we wanted onsite to do the inspection weren't there as they were required to be.

Judson: I don't know if I want to take Chris Kirby's word on this.

Goodwin: I don't think anyone is questioning his competence.

Judson: The right people haven't been involved. I don't see this going in the right direction. Who would be held accountable for it if something goes wrong?

Ligols: The structural engineer who designs it. I'm also annoyed by what has taken place. We thought it was going to be done correctly.

David: I can assure the Board that this vault is costing over \$100,000 to install, we aren't going to spend that type of money and not make sure it's done correctly. Mr. Kirby's reputation is impeccable. We can probably get a coring from somewhere, but again, the issue hasn't been raised. I believe that it hasn't been raised because the affidavit has satisfied that the slab was poured correctly.

Ligols: When they pour the walls on top of the floor, are you an environmental engineer or structural engineer? How do you seal the walls to the floor to ensure that if there is a release it's contained?

Kirby: I'm a structural engineer. There's a water stop. The wall is structural but there is a water stop that seals the joint between the wall and the floor. That's how you create a watertight tank.

Ligols: How long does a water stop last?

Kirby: Probably longer than the concrete. We use the same water stop to create watertight tanks for drinking water. It is an industry standard product to create a watertight tank in concrete.

Ligols: We'll have to wait to see what TEC has to say.

McNulty: The resident had a good point. Who is on the hook if something goes wrong? It would be on us if something went wrong because we approved it.

Planner: If there were a spill on this site it would be the responsibility of the owner of the land, like any Superfund site if there is a spill.

David: My expectation, with their limited commentary on their last review, it should be completed soon.

Judson: Is he going to have an insurance bond that covers leakage if something happens?

Planner: It wouldn't be with the Planning Board; we aren't the authority who would hold that. The Planning Board holds bonds, for example, if a subdivision was built and the developer walks away before the road is built, we would hold the bond on things like that.

Judson: Would their insurance cover that?

David: You can buy insurance for that.

Judson: I'm just concerned, it's in a bad spot on a hill above our water.

David: That's exactly why the Town insisted on a vault for this.

Ligols: That's on the applicant.

Judson: Operating a gas station and cleaning up a spill are two different things.

Planner: The state or federal government would be the entity to handle something like that, not the local government.

David: The fact that these tanks are going to be in a concrete vault is actually going to decrease the amount of insurance.

Ligols: Are they single or double walled tanks?

David: Triple walled. They were specially ordered and designed.

McNulty: I have to assume the vault is a better option than just above ground.

Ligols: The floor is a very important part of the structural feature.

Judson: The most important part didn't get inspected.

Board: We are going to have to wait to see what TEC has to say.

BILLIS WAY: Reduction of bond.

Planner: The construction of this project has been completed so it is time to fully release this bond.

Ligols: With the track record, should we wait until the Town Meeting?

McNulty: But as far as our Board, they are done and nothing else needs to be completed?

Planner: Correct, there is no legal reason for the Board to hold this bond.

Ligols: How long did it take them to complete this project?

Planner: It doesn't matter, it is done. Legally we have to sign off on this release.

MOTION: Goodwin motions to release the bond on Billis Way. McNulty seconds. Voted all in favor, the motion passes.

MINUTES: Acceptance of February 6, 2024, February 20, 2024, March 19, 2024, and March 25, 2024, meeting minutes.

MOTION: Ligols motions to accept the minutes. Goodwin seconds the motion. Voted all in favor, the motion passes.

OTHER ITEMS NOT REASONABLE ANTICIPATED AT TIME OF POSTING

Alice Twombly, 91 Seven Star Rd: I went to go see my engineer about subdividing my irregular lot and he said there's a problem with those in Groveland and he didn't want me to spend \$5,000 without having some inclination on whether it would be accepted or not, so how would I proceed for that?

Goodwin: There is a calculation for that.

Twombly: I have a U-shaped lot, and it was more so to do with the curb cut, where the wetlands are, etc. He suggested I come in with a sketch and ask if it would be something you would entertain.

Planner: My recommendation for the Board would be to have this on the agenda as a discussion item with a sketch, no decisions to be made, for guidance.

Twombly: Yes, I would like to see what the Board would recommend. We would like to do a common drive rather than a true subdivision.

Board: We can add this on the agenda for April 23rd.

NEXT MEETING: April 23, 2024.

ADJOURNMENT

MOTION: Ligols motions to adjourn the meeting at 8:31 PM. McNulty seconds the motion. Voted all in favor. The motion passed unanimously.