



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

TOWN OF GROVELAND

2024 MAY -8 PM 1:31

TOWN CLERK  
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**DECISION FOR SPECIAL PERMIT**  
**FOR A PARKING REDUCTION**  
**6-8 ELM PARK**

**PETITIONER:** Rod Rivera  
97 Beach Street  
Malden MA 02148

**DATE:** May 7, 2024

**ADDRESS:** 6 – 8 Elm Park  
Groveland, MA  
10-013-0

**HEARING:** April 2, 2024, and April 23,  
2024

YOU ARE HEREBY notified of the Decision of the Planning Board on the application made by Rod Rivera (the “Applicant”) for property owned by Compass Realty Trust, 6 Forester Street, Wakefield MA 01880, located at 6-8 Elm Park, Groveland MA, Assessors Map 10 Lot 013, located in the Business (B) 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 50-9.4 and Section 50-14.6, in accordance with Groveland Zoning Bylaw Section 9.4 for a Special Permit for a parking reduction for a restaurant and Mexican sports bar.

The application was filed on March 7, 2024, and notice of such public hearing was given by posting in Town Hall, publication in the Eagle Tribune on March 18, 2024, and March 25, 2024, 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 the application at a public hearing on April 2, 2024, and April 23, 2024, at the Groveland Town Hall.

The following members were present at the hearing: Brad Ligols, Chris Goodwin, DJ McNulty, and Jason Naves.

**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.

*The Board finds that this criterion is met by this proposal.*



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

*The Board finds that this criterion is met by this proposal if clientele park lawfully.*

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

*The Board finds that there is no negative impact on utilities or public services.*

- (4) Neighborhood character and social structures.

*The Board finds that this criterion is met as there was a restaurant in this space previously.*

- (5) Impacts on the natural environment.

*The Board finds that there are no impacts on the natural environment with this proposal.*

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

*The Board finds that these criteria will be improved by the proposal.*

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

*The Board finds that this proposal is consistent with the Comprehensive Master Plan.*

The Board also makes the following findings in connection with this Decision, which references the criteria for the granting of a parking reduction Special Permit in accordance with the Groveland Zoning Bylaw Section 9.4(A).

- (1) Use of a common parking lot for separate uses having peak demands occurring at different times.

*The Board finds that there is a common parking lot that addresses this criterion.*

- (2) Age or other characteristics of occupants of the facility requiring parking which reduces auto usage.

*The Board finds that this proposal does not meet this criterion.*

- (3) Peculiarities of the use which make usual measures of demand invalid.

*The Board finds that businesses in this location do have peculiarities which make meeting the requirements of the parking difficult.*

- (4) Availability of on-street parking or parking a nearby municipally owned facilities.

*The Board finds that there is nearby on-street parking and a municipally owned lot.*

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

### **CONDITIONS**

1. The applicant shall post in their establishment and on the windows signs showing a detailed map of publicly available parking for their clientele.
2. The applicant should recommend to staff that they park away from the site, to free up closer spaces for customers.
3. This Special Permit is non-assignable and becomes void upon the sale of the business.
4. 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.
5. The Applicant shall receive any required federal, state, and local permits required to operate.
6. This Special Permit is subject to recall, given written notification to the Applicant and discussion at a public meeting, if written complaints are received from abutters.
7. 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, except for good cause.

### **DECISION**

The Board voted to APPROVE the application for a parking reduction Special Permit and GRANT the Applicant a Special Permit at the Property.

The motion was as follows:

Goodwin made a motion to approve the application for 6-8 Elm Park 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 for operation of a restaurant with the contingencies of the detailed map inside the facility detailing the publicly available parking spots for their tenants, a recommendation that the

staff does not park in any of the spots adjacent to the building to allow their clientele to park there, and the contingencies already listed in the draft permit done by the Town Planner.. McNulty seconded the motion. **A vote was taken. Voting aye: Ligols, McNulty, Goodwin, Naves. Motion passes unanimously.**

	YES	NO	ABSTAIN	ABSENT
CHAIR (B. LIGOLS)	X			
VICE CHAIR (W.F. SORENSON JR)				X
MEMBER (D. MCNULTY)	X			
MEMBER (C. GOODWIN)	X			
MEMBER (vacant)				
ALT. MEMBER (J. NAVES)	X			

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.

**PLANNING BOARD**

\_\_\_\_\_  
Brad Ligols, Chairman

\_\_\_\_\_  
Walter F. Sorenson Jr., vice-Chair

\_\_\_\_\_  
DJ McNulty

\_\_\_\_\_  
Chris Goodwin

\_\_\_\_\_  
Jason Naves, Associate

+++++  
Executed as a sealed instrument this 7 day of (date) MAY

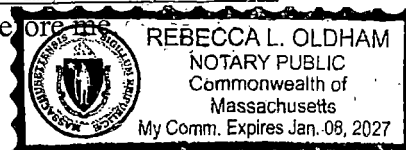
COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS

(DATE)

The personally appeared the name Brad Ligols, DJ McNulty, Chris Goodwin, and Jason Naves and acknowledged the foregoing instrument to be his free act and deed, before me

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



My Commission Expires:



Elizabeth Cunniff  
Town Clerk  
[ecunniff@grovelandma.com](mailto:ecunniff@grovelandma.com)

# Town of Groveland

## Office of the Town Clerk

183 Main Street  
Groveland, MA 01834  
Tel: 978-556-7221  
Fax: 978-556-7275

### PLANNING BOARD OF APPEALS CERTIFICATE OF NO APPEAL

Petition #:

Applicant: Rod Rivera

Address: 6-8 Elm Park

Property Address: 6-8 Elm Park

Assessor's Map: MAP: 10 LOT: 013

TOWN OF GROVELAND  
2024 JUN -5 PM 1:10  
TOWN CLERK  
RECEIVED/POSTED

Page #

I, Elizabeth Cunniff, the Town Clerk of Groveland Massachusetts hereby certify that the Decision of the Groveland Planning Board of Appeals for the Petition # outlined above has been received and recorded at this office on, and no appeal was received and recorded at this office and no appeal was received during the twenty (20) days next after such receipt and recording of said notice as prescribed by M.G.L. Chapter 41, Section 81 B-B.

This decision MUST be recorded at the Southern Essex Registry of Deeds in Salem, MA to take effect. The book AND page number must be shared with the Town Clerk AND Town Planner once recorded. If not recorded in a timely manner, you risk your Special Permit/Variance lapsing.

Date: 6/5/2024

Attest: June Faber  
Groveland Town Clerk's Office

Roberto Lopez  
Signature of the person receiving document: