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TOWN OF GROVELAND

**NOTICE OF DECISION**  
**SITE PLAN APPROVAL**  
**STORMWATER MANAGMENT & LAND DISTURBANCE**  
**912 SALEM STREET**

**PETITIONER:** Mark A. Abare  
144 Hilldale Ave  
Haverhill, MA

**DATE:** February 21, 2024

**PROJECT ADDRESS:** 912 Salem Street  
Groveland, MA  
41-095-0

**HEARING:** October 30, 2023, November 28,  
2023, December 19, 2023,  
January 9, 2024

YOU ARE HEREBY notified of the Decision of the Planning Board 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") for a Site Plan Approval and Special Permit in accordance with the Groveland Zoning Bylaw and the Groveland Stormwater & Land Disturbance Bylaw.

As set forth in the application filed with the Board and testimony, the Applicant sought Site Plan Approval and Stormwater Management and Land Disturbance Permit to construct a 18,800 square foot contractor building with 36 parking spaces and associated stormwater management features.

The application was filed on August 28, 2023. The first hearing took place on October 30, 2023, and was continued to November 28, 2023, December 19, 2023, January 9, 2024. The hearing was advertised in the Lawrence Eagle-Tribune on October 16, 2023, and October 23, 2023. All abutters were notified via Certified Mail Return Receipt.

The following members were present: Brad Ligols, Walter F Sorenson Jr., DJ McNulty, Chris Goodwin, and Jason Naves. John Stokes III was unable to vote due to missing multiple hearings, therefore Jason Naves was the fifth voting member in this matter.

**FINDINGS OF FACT**

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 proposal will contribute to economic development within Town and provide for the community need for people to store their work equipment.

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

The Board finds that this condition has been addressed adequately throughout the application and hearing process.

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

The Board finds that this condition has been met as utilities will be installed underground/per the utilities requirements and the lighting has been designed to meet DarkSky principles.

- (4) Neighborhood character and social structures.

The Board finds this condition has been met.

- (5) Impacts on the natural environment.

The Board finds that this condition has been met through the design of the project, as well as addressed through an Order of Conditions issued by the Conservation Commission.

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

The Board generally finds that this project will have no negative impact on Town services, namely school enrolment, or the tax base, and will have a positive impact on employment.

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

The Board finds that this project consistent with the goals outlined in the Groveland Comprehensive Master Plan.

For the reasons set forth above, the Board finds that the project as proposed is in compliance with the Town of Groveland Zoning Bylaw and General Bylaw.

## **DECISION**

After the meeting on the above dates, and upon a motion by Walter F. Sorenson Jr., seconded by Chris Goodwin, the Planning Board APPROVES the application for 912 Salem Street Stormwater Management and Land Disturbance Special Permit as discussed with the conditions and restrictions discussed this evening (*January 9, 2024*) along with the final engineering report and necessary corrections. A roll call vote was taken. Voting aye: Sorenson, McNulty, Ligols, Goodwin, Naves. The motion is approved unanimously.

After the meeting on the above dates, and upon a motion by Walter F. Sorenson Jr., seconded by Dennis McNulty, the Planning Board APPROVES the Site Plan Approval decision with the corrections and modifications as listed with TEC and final engineering report. A roll call vote was taken. Voting aye: Sorenson, McNulty, Ligols, Goodwin, Naves. The motion is approved unanimously.

## **SPECIAL CONDITIONS**

- 1) The Planning Board shall enforce all conditions in this Memorandum of Decision.
- 2) A Knox box Key box shall be provided for Fire Department use. The box shall be located at the discretion of the Fire Chief and include keys for the fence gate and building.
- 3) Any change or expansion in use and any additional tenants shall require the Owner to present a proposal to the Planning Board to determine if the modifications require further Site Plan Approval and to provide proof that adequate parking is on site. If the required parking is not provided and additional parking is needed, the Owner shall file for a Parking Reduction Special Permit as stated in Section 9 of the Groveland Zoning Bylaw.
- 4) The sign shall be approved by the Building Commissioner as required under Section 11 of the Groveland Zoning Bylaw. A copy of the approved design and dimensions shall be provided to the Planning Board. The sign shall not be illuminated from 11PM to 7AM as required under Section 11.4.12.
- 5) The project site is located in Zone 2 of the Aquifer Protection Overlay District. All items listed under Section 6.2.1 of the Groveland Zoning Bylaw are prohibited. Specifically, please note the following sections:
  - d) petroleum, fuel oils, and heating oil bulk stations and terminals including, but not limited to, those listed under Standard Industrial Classification (SIC) Codes 5171 and 5983. SIC Codes are established by the US Office of Management and Budget and may be determined by referring to the publication, Standard Industrial Classification Manual, and other subsequent amendments;
  - e) storage of liquid hazardous materials, as defined in G.L. c.21 E, and liquid petroleum products, unless such storage is:
    - 1) above ground or floor level; and
    - 2) on an impervious surface; and
    - 3) either in container(s) or above ground container(s) within a building or outdoors in covered container(s) or above ground tank(s) in an area that has a covered containment system designed to hold either 10% of the total possible storage capacity of all containers, or 110% of the largest containers storage capacity, whichever is greater.
  - f) storage of deicing chemicals unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of
  - h) discharge via floor drain(s), with or without pretreatment (such as an oil/water separator), to the ground, a leaching structure, or septic system, in any industrial or commercial facility if such floor drain is located in either:
    - 1) an industrial or commercial process area; or
    - 2) a petroleum, toxic, or hazardous materials and/or waste storage area.
  - j) storage of commercial fertilizers, as defined in G.L. c. 128, §64, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

## **PRIOR TO ANY SITE WORK & ISSUANCE OF A BUILDING PERMIT**

- 6) The Memorandum of Decision must be recorded at the Southern Essex Registry of Deeds. Two (2) copies of the signed and recorded Memorandum of Decision must be delivered to the Planning Board.
- 7) A Performance Guarantee in the form of a bond, cash or letter of credit, and in the amount of \$50,000 shall be posted for the purpose of ensuring that the site is constructed in accordance with the approved plans, including land restoration, and that a formal as-built plan is provided.
- 8) The Applicant shall obtain approval from the Groveland Board of Health for the proposed septic design. Documentation shall be provided to the Planning Board.
- 9) A construction schedule shall be submitted to the Planning Board for the purposes of tracking the construction and informing the public of anticipated activities on-site.
- 10) A pre-construction site meeting shall be held with the Applicant, contractor, Town Planner, Building Commissioner, Conservation Agent, Water and Sewer Superintendent, Fire Chief, Groveland Municipal Light General Manager, Highway Superintendent, and construction monitor.
- 11) The Peer Review Engineer will perform construction monitoring. The monitor will oversee the construction to ensure that the site is built according to plan. The monitor shall make inspections of the project and file monthly reports to the Planning Board throughout the duration of the project. The frequency of inspections may be adjusted in coordination with the Town Planner based on the construction phase and weather conditions. The reports shall detail areas of non-compliance with the approved Plans, and any corrective-actions taken. Specifically, the Applicant shall notify the Planning Board at least two (2) working days before each of the following event:
  - a. 14.10.2.1 Erosion and sediment control measures are in place and stabilized, and site clearing limits are clearly marked in the field.
  - b. 14.10.2.2 Site Clearing has been substantially completed
  - c. 14.10.2.3 Rough Grading has been substantially completed
  - d. 14.10.2.4 Final Grading has been substantially completed
  - e. 14.10.2.5 Close of the Construction Season; stabilization of the site.
  - f. 14.10.2.6 Final Landscaping (permanent stabilization) and project final completion.
- 12) Per Section 14.10.3, the monitor shall make weekly inspections of the project, provide monthly reports to the Planning Board, and detail any areas of non-compliance and corrective actions. The monitor will also provide reports following heavy rain events (storm events greater than 0.5 inches).
- 13) Fire hydrants will be on site and functional prior to the issuance of a building permit.

## **DURING CONSTRUCTION**

- 14) The construction contractor shall employ all available best-management-practices for the control of dust, including but not limited to watering, planting, stabilization, track-out shaker plates, and/or stockpile coverings.
- 15) Catch basins shall be adequately protected and maintained to prevent siltation into drainage structures.
- 16) Stockpiles must be appropriately stabilized and/or covered.
- 17) It shall be the responsibility of the Applicant to assure that no erosion from the construction site shall occur which will cause deposition of soil or sediment upon adjacent properties or public ways, except as normally ancillary to off-site construction. Discovery of off-site erosion will be a basis for the Planning Board to make a finding that the project is not in compliance with the approved Plans. In the event off-site erosion is discovered as a result of construction activity, the Planning Board shall give the applicant written notice of any such finding within 48 hours to provide evidence of corrective action.
- 18) In an effort to reduce noise levels, the Applicant or contractor shall keep in optimum working order, through regular maintenance, any and all equipment that shall emanate sounds from the structures or site.

#### **PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY**

- 19) The Applicant must submit a letter from the architect and engineer of the project stating that the landscaping and site layout substantially complies with the Plans referenced in this Memorandum of Decision as endorsed by the Planning Board. Alternatively, the applicant may provide a bond, determined by the Planning Board, to cover the full amount of the landscaping materials and installation if weather conditions do not permit the completion of the landscaping prior to use of the building.
- 20) The Building Commission shall receive sign offs from the Water & Sewer Department, Groveland Municipal Light Department, Conservation Commission, and Fire Department prior to issuing any occupancy or temporary occupancy.
- 21) The Planning Board will review the site; any screening as may be reasonably required by the Planning Board will be added at the Project Owner's expense.

#### **PRIOR TO THE RELEASE OF ALL SECURITY AND ESCROWED FUNDS**

- 22) The Applicant shall submit an as-built plan stamped by a Registered Professional Engineer in Massachusetts that shows all construction, site design, including stormwater structures and other pertinent site features. One paper copy and one electronic copy (PDF) shall be submitted to the Town Planner. If over 1 year has elapsed from the issuance of the Certificate of Occupancy, the Applicant must submit a second letter from the architect and engineer verifying that the landscaping and site layout substantially complies with the Plans referenced in this Memorandum of Decision as endorsed by the Planning Board.

- 23) The Planning Board must, by a majority vote, make a finding that the site is in conformance with the approved plan.

## **GENERAL CONDITIONS**

- 24) Subject to the Conditions contained herein, the Project shall be substantially constructed in accordance with the Record Plans, which are on file with the Planning Board.
- 25) Any action taken by a Town Board, Commission or Department which requires changes in the plan or design of the buildings, as presented to the Planning Board, may be subject to modification by the Planning Board.
- 26) If the Applicant wishes to modify the approved Record Plans, it shall submit proposed modifications to the Planning Board. Where such modification is deemed substantial, the same standards and procedures applicable to an original application for site plan approval, aquifer protection district special permit and stormwater management and land disturbance permit shall be required by the Planning Board; provided, however, that the Planning Board may determine that a proposed modification is insubstantial and approve the same without the need for any further Planning Board approval or hearing. Authorization to modify the Record Plans shall be obtained prior to any substantial modification in the field.
- 27) The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation.
- 28) Gas, telephone, cable, and electric utilities shall be installed underground as specified by the respective utility companies. Lighting associated with the project must adhere to DarkSky principles.
- 29) The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area.
- 30) All site work and construction will adhere to the requirements of the Groveland General Bylaw Section 219-9 to Section 219-12 which denote the allowed hours of work and exceptions.
- 31) All materials shall be stored inside or in a designated outdoor area that will not limit parking spaces.
- 32) To prevent unsightly or abandoned cars onsite, there shall be no vehicle storage or unregistered vehicles and no overnight storage of vehicles unless the vehicle is associated with a tenant of the building.
- 33) The Applicant is responsible for conducting a field assessment of the signal operations of the traffic light at the intersection of School Street and Salem Street at 75% building occupancy to ensure that the timing of the traffic light is proper for the increased traffic. This may require adjusting the timings of the traffic light as needed.
- 34) This Site Plan Approval shall be deemed to have lapsed after January 9, 2025, (one year from the date granted), exclusive of the time required to pursue or await determination of any appeals,

unless substantial use or construction has commenced within said one-year period or for good cause as determined by the Planning Board.

- 35) This Stormwater Management and Land Disturbance Permit shall be deemed to have lapsed after January 9, 2027, (three years from the date granted), exclusive of the time required to pursue or await determination of any appeals, unless substantial use or construction has commenced within said three-year period or for good cause as determined by the Planning Board.
- 36) The Applicant is hereby notified that should the Applicant disagree with this decision, the Applicant has the right under MGL c.40A Section 17, to appeal this decision within twenty days after the date this decision has been filed with the Town Clerk.
- 37) The following information shall be deemed part of the decision:

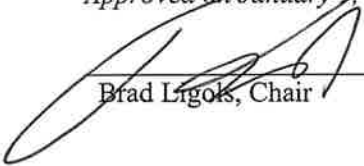
**Plan titled:** SITE PLAN FOR REDEVELOPMENT 912 SALEM STREET – GROVELAND, MA  
**Prepared for:** Mark A Abare, 144 Hilldale Avenue, Haverhill MA  
**Prepared by:** R.J. O’Connell & Associates, Inc. 80 Montvale Ave, Suite 201, Stoneham MA  
**Scale:** Varies  
**Date:** August 11, 2023 and revised to February 7, 2024  
**Sheet:** C-0, EX-1, EX-2, N-1, C-1, C-2, C-3, C-4, L-1, L-2, L-3, L-4, C-5, C-6, C-7, C-8 (on file in the Economic Development, Planning and Conservation Department)

**Report titled:** Stormwater Management Report 912 Salem Street Groveland Massachusetts  
**Prepared for:** Mark A Abare, 144 Hilldale Avenue, Haverhill MA  
**Prepared by:** R.J. O’Connell & Associates, Inc. 80 Montvale Ave, Suite 201, Stoneham MA  
**Date:** August 11, 2023, revised to November 27, 2023.

The Planning Board APPROVES the application for Site Plan Approval and Stormwater Management and Land Disturbance.

**PLANNING BOARD**

*Approved on January 9, 2024.*



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Brad Ligols, Chair

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Walter F. Sorenson Jr.



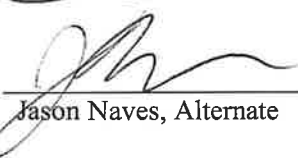
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DJ McNulty



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Chris Goodwin



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Jason Naves, Alternate

cc:  
Town Departments  
Applicant  
Abutters