



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

TOWN OF GROVELAND

2024 MAY -2 PM 1:08

TOWN CLERK  
RECEIVED/POSTED

**DECISION FOR SPECIAL PERMIT**  
**APPLICATION #2024-5**  
**6 – 8 ELM PARK**

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

**DATE:** April 23, 2024

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

**HEARING:** April 3, 2024, April 23, 2024

YOU ARE HEREBY notified of the Decision of the Board of Appeals 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 4.5, in accordance with Groveland Zoning Bylaw Section 14.6 for a Special Permit for the use of a restaurant.

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 Marh 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 Application #2024-5 at a public hearing on April 3, 2024, and April 23, 2024, at the Groveland Town Hall.

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

*The Board finds that this proposal serves these needs.*

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

*The Board finds that these items will be addressed through a Special Permit with the Planning Board that must be issued prior to occupancy.*

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

*The Board finds that there are adequate utilities and other public services.*

- (4) Neighborhood character and social structures.

*The Board finds that the proposal is in agreement with the neighborhood characteristics and social structure of the area.*

- (5) Impacts on the natural environment.

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

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

*The Board finds that these would all be impacted positively 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 Master Plan which calls for development of Elm Park.*

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

## **CONDITIONS**

1. Use of the Property as authorized hereunder is for a “Restaurant”, as defined by the Groveland Zoning Bylaw Section 2.1, more specifically the Applicant’s proposal of a Mexican sports bar and family style restaurant.
2. The hours of operation shall be; Sunday – Thursday 11 AM – 10 PM, Friday – Saturday 11 AM – 12 AM.
3. Signs shall adhere to the Groveland Zoning Bylaw Article 11, Sign Regulations.
4. Lighting shall remain the same.
5. The dumpster shall be located at the rear of the building and fenced in.

6. No petroleum, chemical solvents, hazardous or toxic materials, or any other substances deemed hazardous shall be stored or used on the premises.
7. 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.
8. No discharge of non-sanitary waste.
9. All sanitary disposal systems shall meet Title 5, CMR 310 rules and regulations.
10. Shall meet all Groveland Board of Health regulations and apply for all appropriate food establishment permits.
11. No underground storage tanks allowed.
12. Applicant shall meet all State Rules and Regulations for disposal and storage of any and all waste.
13. This Special Permit is non-assignable and becomes void upon the sale of the business.
14. 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.
15. The Applicant shall receive any required federal, state, and local permits required to operate.
16. 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.
17. 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 to APPROVE Application #2024-5 and GRANT the Applicant a Special Permit for a restaurant use at the Property.

The motions were as follows:

Grohol motions to approve application 2024-5 for a special permit in accordance with Section 131 50-4.5 Table of Uses of the Groveland Zoning Bylaw to operate a restaurant, pending conditions. Ligols seconds the motion. **A vote was taken. Voting aye; Grohol, Ligols, Goodwin, Naves. The motion passes unanimously.**

	YES	NO	ABSTAIN	ABSENT
CHAIR (C. GOODWIN)	X			
MEMBER (J. STOKES II)				X
MEMBER (J. NAVES)	X			
MEMBER (J. GROHOL)	X			
MEMBER (B. LIGOLS)	X			
ALT. MEMBER				

Ligols made a motion to adopt the conditions of the decision. Grohol seconded the motion. **A vote was taken. Voting aye: Ligols, Goodwin, Grohol, Naves. Stokes II abstains Motion passes.**

	YES	NO	ABSTAIN	ABSENT
CHAIR (C. GOODWIN)	X			
MEMBER (J. STOKES II)			X	
MEMBER (J. NAVES)	X			
MEMBER (J. GROHOL)	X			
MEMBER (B. LIGOLS)	X			
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.

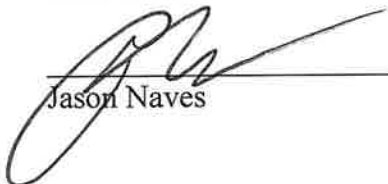
**BOARD OF APPEALS**

  
 \_\_\_\_\_  
 Chris Goodwin, Chairman

  
 \_\_\_\_\_  
 Brad Ligols

\_\_\_\_\_  
 John Stokes II

  
 \_\_\_\_\_  
 John Grohol

  
 \_\_\_\_\_  
 Jason Naves

+++++

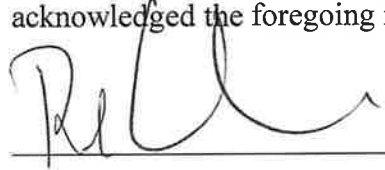
Executed as a sealed instrument this 1 day of (date) MAY

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS

(DATE) \_\_\_\_\_

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

  
\_\_\_\_\_



Notary Public

My Commission Expires: