



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

**MEETING NOTICE**

*(M.G.L Chapter 30A Sections 18-25)*

Board/Committee Name: ZONING BOARD OF APPEALS  
Date: WEDNESDAY, November 1, 2023  
Time of Meeting: 7:30 PM  
Location: Town Hall  
183 Main Street Groveland, MA 01834  
Signature: *Annie Schindler*

**AGENDA**

*For discussion and possible vote*

*Zoom participation is offered for this meeting with the information below.*

*Meeting ID: 939 9517 4414*

*Passcode: 948618*

**PUBLIC HEARING**

**CONTINUED:** Application #2023-6, 912 Salem Street, Applicant: Mark A Abare; A public hearing in accordance with Mass General Laws, Chapter 40A, as amended, for Application #2023-6 made by Mark A Abare, for the premises located at 912 Salem St Map 41 Lot 095, in the Industrial (I), Residential 1 (R-1), and Residential 2 (R-2) zoning districts, and owned by William T Bryan III, for a Special Permit in accordance with Section 50.4.5 (Table of Uses) of the Groveland Zoning Bylaw for a contractors yard.

**154 CENTER ST:** Discussion regarding enforcement action taken against the property.

**APPLICATION:** Review draft for new application format.

**MINUTES:** Approval of the August 2, 2023, meeting minutes.

**TOWN PLANNER UPDATE**

**OTHER ITEMS NOT REASONABLE ANTICIPATED AT TIME OF POSTING**

**NEXT MEETING:** December 6, 2023

**ADJOURNMENT**

NOTE - Notices and agendas are to be posted 48 hours in advance of the meeting excluding Saturdays, Sundays and legal holidays.

TOWN OF GROVELAND  
2023 OCT 25 PM 3:10  
TOWN CLERK  
RECEIVED/POSTED



**CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS**

80 Montvale Ave., Suite 201  
Stoneham, MA 02180  
781-279-0180

[www.rjoconnell.com](http://www.rjoconnell.com)

October 24, 2023

Ms. Annie Schindler  
Town Planner/Environmental Program Coordinator  
183 Main Street, Groveland, MA 01834-1341

Subject: Project Prohibitions for Zoning Board of Appeals  
Proposed Industrial Building-912 Salem Street, Groveland, MA

Dear Ms. Schindler,

As requested by the Zoning Board of Appeals at our last hearing, held on October 4, 2023, RJOC has prepared a list of prohibited uses for the project site noted above. These prohibited uses are based on the Town of Groveland Zoning Bylaws and prohibitions noted in the Aquifer Protection District. The uses are as follow:

- Automobile graveyards
- Billboards
- Boardinghouse
- Business Compost Piles
- Campgrounds
- Dumps
- Fertilizer Plant
- Junkyards
- Landfills
- Mining Operations
- Outdoor Movie Theater
- Petroleum, fuel oils, and heating oil bulk stations and terminals
- Racetracks
- Recreational Marijuana Establishments
- Rendering Plants
- Storage of liquid hazardous materials
- Storage of commercial fertilizers
- Slaughterhouse
- Trailers/Mobile Homes
- Transfer Stations

Please email at [steve.glowacki@rjoconnell.com](mailto:steve.glowacki@rjoconnell.com) or call me if you have any questions at (781) 215-1436.

Sincerely,

RJ O'CONNELL & ASSOCIATES

A handwritten signature in blue ink, appearing to read "Stephen Glowacki", is written over a light blue horizontal line.

Stephen Glowacki  
Associate Principal

cc: Mark Abare, Eric Towne, April Ferraro (RJOC), Henry Aquino (RJOC)

G:\MA\Groveland\Bryan\912 Salem Street\Correspondence\912 Salem Street - Project Prohibitions for ZBA 2023-10-24.docx



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781-279-0180

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March 31, 2023

Ms. Annie Schindler  
Town Planner/Environmental Program Coordinator  
183 Main Street  
Groveland, MA 01834-1341

Subject: Submission to Zoning Board of Appeals  
Proposed Industrial Building  
912 Salem Street, Groveland, MA

Dear Ms. Schindler,

On behalf of Mark A. Abare (Applicant), RJ O'Connell & Associates, Inc. (RJOC) is pleased to submit these documents and plans to the Zoning Board of Appeals to request a Special Permit for Use, as required by Chapter 50 Article IV- Use Regulations, Section 4.5, of the Town of Groveland Zoning Bylaw for a proposed commercial building to be located at 912 Salem Street, intended to serve as a contractor's building. The property is located in three (3) zoning districts: Residence Districts, R-1 & R-2, & Industrial District (I), however, the area to be developed is located entirely within the Industrial District (I).

The existing 973,222 sf lot is currently occupied by a single-family house, a garage, and several sheds, and includes paved and gravel driveways on the west side of the site. A majority of the site to the east is occupied by forested land and a wetland area. The site is bounded by Salem Street to the west, conservation land to the south and southeast, residential and commercial land to the north and northwest, and a former railroad to the east. Access to the site is currently provided by a driveway off of Salem Street.

The proposed project includes the construction of an approximately 22,000 sf commercial building, including paved parking areas, providing a total of 40 parking spaces, paved access to drive-up bay doors on the north and south sides of the building, concrete walks, and landscaped areas. Vehicular access to the proposed site will be via a two-way access way to be located on the west side of the site on Salem Street.

As noted above, the intended use for the building will be for a contractor's building, however, tenants are unknown at this time. To determine the proposed parking requirements, RJOC utilized Section 50-9.1- Parking Requirements, of the Town of Groveland Zoning Bylaw, that states "the planning board may determine the parking spaces required for any permitted use that is not indicated in the table of off-street parking requirements". The proposed parking requirement represents the average number of spaces required per 1,000 sf of Ground Floor Area (GFA) during peak period parking demand for a Contractor's Yard/ Specialty Trade Contractor Use as provided in the "Parking Generation Manual", 5th Edition, published by the Institute of Transportation Engineers (ITE), dated January 2019. We hope to file for Site Plan Review with the Planning Board subsequent to the Zoning Board of Appeals approval process. We request to use the same method to determine the required parking with the Zoning Board of Appeals submission.

We look forward to continuing to work with you and other members of Town staff, and to presenting the project to the Zoning Board of Appeals at an upcoming hearing. Please email or call me if you have any questions at (781) 279-0180, ext. 125.

Sincerely,

RJ O'CONNELL & ASSOCIATES

A handwritten signature in blue ink, appearing to read 'SG' followed by a stylized flourish.

Stephen Glowacki  
Associate Principal

cc: Mark Abare, Eric Towne, John Stoy, PE (RJOC)



For Official Use

Receipt Stamp

**Docket Number**

**Application Fee**

\$

**Fee Paid**

## APPLICATION FOR ZONING RELIEF

*For Applicant's Use*

Type of Zoning Relief Sought by Applicant	
	Variance
	Special Permit
	Special Permit under Section 5 of the Zoning Bylaw
	Comprehensive Permit (pursuant to G.L. c. 40B)
Appeal of Decision (pursuant to G.L. c. 40A)	
	Building Inspector
	Planning Board
	Other

Please see Groveland Zoning Board of Appeals Rules and Regulations for specific requirements for plans and other materials required to be submitted in support of this application.

**PLEASE PRINT OR TYPE**

**1. SUBJECT PROPERTY INFORMATION**

<b>Address</b> (Number & Street Name)					
<b>Zoning District</b>		<b>Assessor's Map &amp; Lot</b>			
		<b>Map Number</b>		<b>Lot Number</b>	
<b>Current Use</b>					

**2. APPLICANT INFORMATION**

<b>Name of Applicant (s)</b>					
<b>Address</b>					
<b>City, State, Zip</b>					
<b>Phone Number</b>					
<b>Email Address</b>					
<b>Is Applicant the Owner of the Property?</b>	<b>YES</b>		<b>NO</b>		

**REPRESENTATIVE:**

<b>Name of Representative: (If Not Applicant)</b>	
<b>Address</b>	
<b>City, State, Zip</b>	
<b>Phone Number</b>	

**LEGAL OWNER:**

<b>Name of Legal Owner (If Not Applicant)</b>	
<b>Address</b>	
<b>City, State, Zip</b>	
<b>Phone Number</b>	

**3. LOT AND BUILDING DIMENSIONS**

<b><u>PROPERTY</u></b>	<b>Primary (At Address Location)</b>	<b>Secondary (If on more than one street or way)</b>
<b>Required Frontage (feet)</b>		
<b>Existing Frontage (feet and inches)</b>		
<b>Proposed Frontage (feet and inches)</b>		

<b><u>SETBACK</u></b>	<b>FRONT</b>	<b>SIDE</b>		<b>REAR</b>
		Left	Right	
<b>Required Setbacks (feet)</b>				
<b>Existing Setbacks (feet and inches)</b>				
<b>Proposed Setbacks (feet and inches)</b>				

<b><u>LOT</u></b>	<b>AREA (square feet)</b>	<b>COVERAGE (square feet)</b>	<b>MAXIMUM COVERAGE (%)</b>
<b>Required</b>			
<b>Existing</b>			
<b>Proposed</b>			

<b>DWELLING OR STRUCTURE</b>	<b>HEIGHT</b>	<b>NUMBER OF STORIES</b>
<b>Required</b>		
<b>Existing</b>		
<b>Proposed</b>		

<b>4. DOES THE LEGAL OWNER OWN THE ADJACENT LAND?</b>		<b>YES</b>		<b>NO</b>	
If Yes, Provide Address and Tax Map & Lot of Adjacent Property.					
Address					
Tax Map Number		Lot Number			

**5. If Existing Property, Structure(s), and/or uses DO NOT conform to the current Zoning Bylaw, please describe what characteristic is non-conforming and when the lot, structure, or use began. (Attach extra sheet if necessary)**

--	--

**6. Describe what is being proposed, planned or appealed. (Attached extra sheet if necessary)**

--	--

**7. Structures on Property**

		Existing	Proposed
	Number of Buildings (Primary Residence, Accessory, including sheds)		
	Number of Dwelling Units (including Primary Residence)		

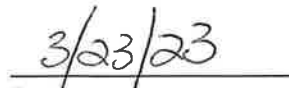


## 8. Application Submission Checklist

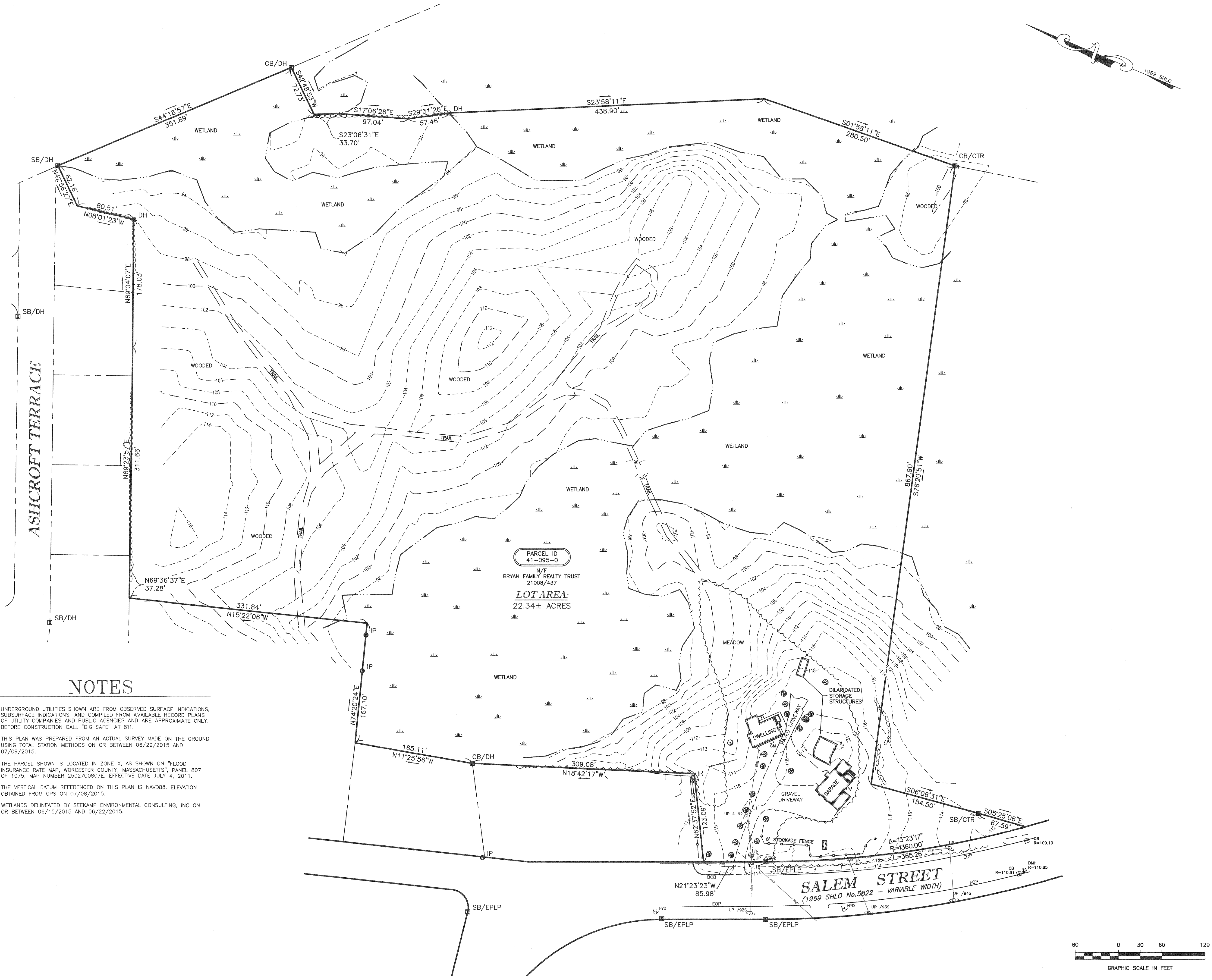
- ✓ One Original and Eight (8) Copies of Signed Application Form
- ✓ Filing Fee
- ✓ Eight (8) Copies of Site Plans prepared in accordance with the Groveland Zoning Board of Appeals Rules and Regulations, including
  - ❖ The dimensions and location of the subject property;
  - ❖ The location, dimensions, setbacks, and height of existing and proposed structures on the subject property;
  - ❖ Elevations of proposed structures.
- ✓ Assessor's Property Card for Subject Property
- ✓ Abutters List obtained from Groveland Assessor

The information provided in this application is true and correct to the best of the Applicant's knowledge.

  
Applicant's Signature

  
Date

Drawing name: G:\MA\Groveland\Bryan\912 Salem Street\Survey\DWG\14070\_Survey.dwg  
Aug 12, 2015 12:11pm



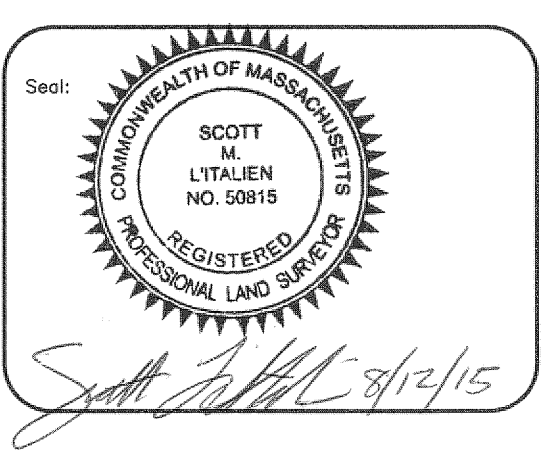
NOTES

- 1. UNDERGROUND UTILITIES SHOWN ARE FROM OBSERVED SURFACE INDICATIONS, SUBSURFACE INDICATIONS, AND COMPILED FROM AVAILABLE RECORD PLANS OF UTILITY COMPANIES AND PUBLIC AGENCIES AND ARE APPROXIMATE ONLY. BEFORE CONSTRUCTION CALL "DIG SAFE" AT 811.
- 2. THIS PLAN WAS PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND USING TOTAL STATION METHODS ON OR BETWEEN 06/29/2015 AND 07/09/2015.
- 3. THE PARCEL SHOWN IS LOCATED IN ZONE X, AS SHOWN ON "FLOOD INSURANCE RATE MAP, WORCESTER COUNTY, MASSACHUSETTS", PANEL 807 OF 1075, MAP NUMBER 25027C0807E, EFFECTIVE DATE JULY 4, 2011.
- 4. THE VERTICAL DATUM REFERENCED ON THIS PLAN IS NAVD88. ELEVATION OBTAINED FROM GPS ON 07/08/2015.
- 5. WETLANDS DELINEATED BY SEEKAMP ENVIRONMENTAL CONSULTING, INC ON OR BETWEEN 06/15/2015 AND 06/22/2015.

No.	Revision	Date

Record Owner:  
PARCEL ID: 41-095-0  
BRYAN FAMILY REALTY TRUST  
WILLIAM T. BRYAN III, TRUSTEE  
158 ACADEMY AVENUE  
WEYMOUTH, MA  
BK 21008 PG 437

Location:  
912 SALEM STREET  
GROVELAND, MA



Drawn by: RJK  
Checked by: SML  
Scale: 1"=60'  
Date: 08/12/2015

Prepared for:  
**MR. WILLIAM BRYAN**  
912 SALEM STREET  
GROVELAND, MA

Prepared by:  
**RJO'CONNELL & ASSOCIATES, INC.**  
CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS  
80 MONTVALE AVE  
STONEHAM, MA 02180  
781-279-0180  
FAX: 781-279-0173

Project Name:  
**912 SALEM STREET  
GROVELAND, MA**

Drawing Name:  
**EXISTING  
CONDITIONS  
PLAN**

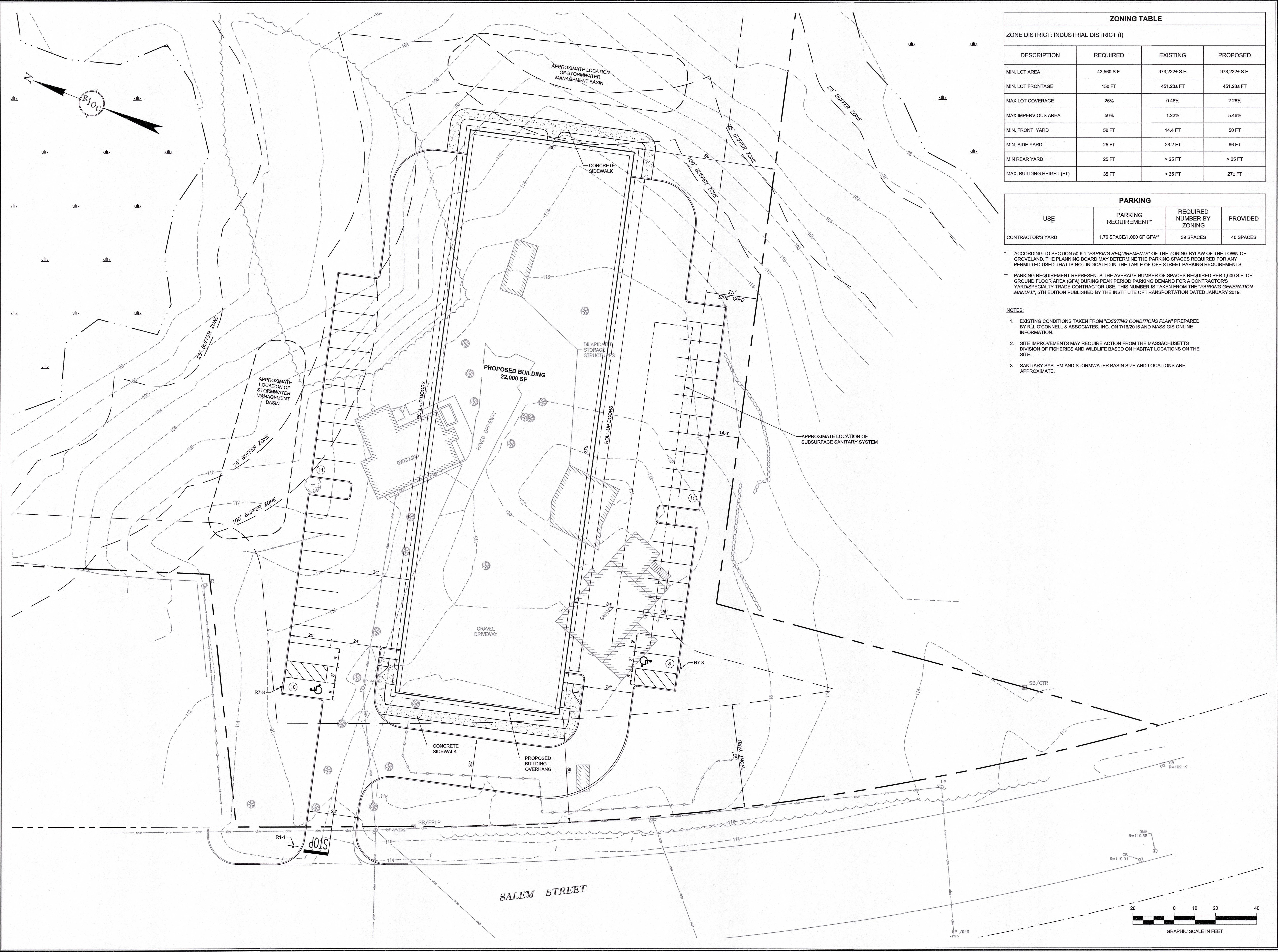
Drawing No.:  
**EX-1**

Project No.:  
**14070**

Copyright © 2015 by R.J. O'Connell & Associates, Inc.



Drawing name: G:\MA\Groveland\Bryan\912 Salem Street\Main\Special Permit\2021 SP-1 Site Plan.dwg  
Mar 28, 2023 - 10:23am



ZONING TABLE			
ZONE DISTRICT: INDUSTRIAL DISTRICT (I)			
DESCRIPTION	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	43,560 S.F.	973,222± S.F.	973,222± S.F.
MIN. LOT FRONTAGE	150 FT	451.23± FT	451.23± FT
MAX LOT COVERAGE	25%	0.48%	2.26%
MAX IMPERVIOUS AREA	50%	1.22%	5.46%
MIN. FRONT YARD	50 FT	14.4 FT	50 FT
MIN. SIDE YARD	25 FT	23.2 FT	66 FT
MIN REAR YARD	25 FT	> 25 FT	> 25 FT
MAX. BUILDING HEIGHT (FT)	35 FT	< 35 FT	27± FT

PARKING			
USE	PARKING REQUIREMENT*	REQUIRED NUMBER BY ZONING	PROVIDED
CONTRACTOR'S YARD	1.76 SPACE/1,000 SF GFA**	39 SPACES	40 SPACES

- \* ACCORDING TO SECTION 50-9.1 "PARKING REQUIREMENTS" OF THE ZONING BYLAW OF THE TOWN OF GROVELAND, THE PLANNING BOARD MAY DETERMINE THE PARKING SPACES REQUIRED FOR ANY PERMITTED USED THAT IS NOT INDICATED IN THE TABLE OF OFF-STREET PARKING REQUIREMENTS.
- \*\* PARKING REQUIREMENT REPRESENTS THE AVERAGE NUMBER OF SPACES REQUIRED PER 1,000 S.F. OF GROUND FLOOR AREA (GFA) DURING PEAK PERIOD PARKING DEMAND FOR A CONTRACTOR'S YARD/SPECIALTY TRADE CONTRACTOR USE. THIS NUMBER IS TAKEN FROM THE "PARKING GENERATION MANUAL", 5TH EDITION PUBLISHED BY THE INSTITUTE OF TRANSPORTATION DATED JANUARY 2019.
- NOTES:
- EXISTING CONDITIONS TAKEN FROM "EXISTING CONDITIONS PLAN" PREPARED BY R.J. O'CONNELL & ASSOCIATES, INC. ON 7/16/2015 AND MASS GIS ONLINE INFORMATION.
  - SITE IMPROVEMENTS MAY REQUIRE ACTION FROM THE MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE BASED ON HABITAT LOCATIONS ON THE SITE.
  - SANITARY SYSTEM AND STORMWATER BASIN SIZE AND LOCATIONS ARE APPROXIMATE.

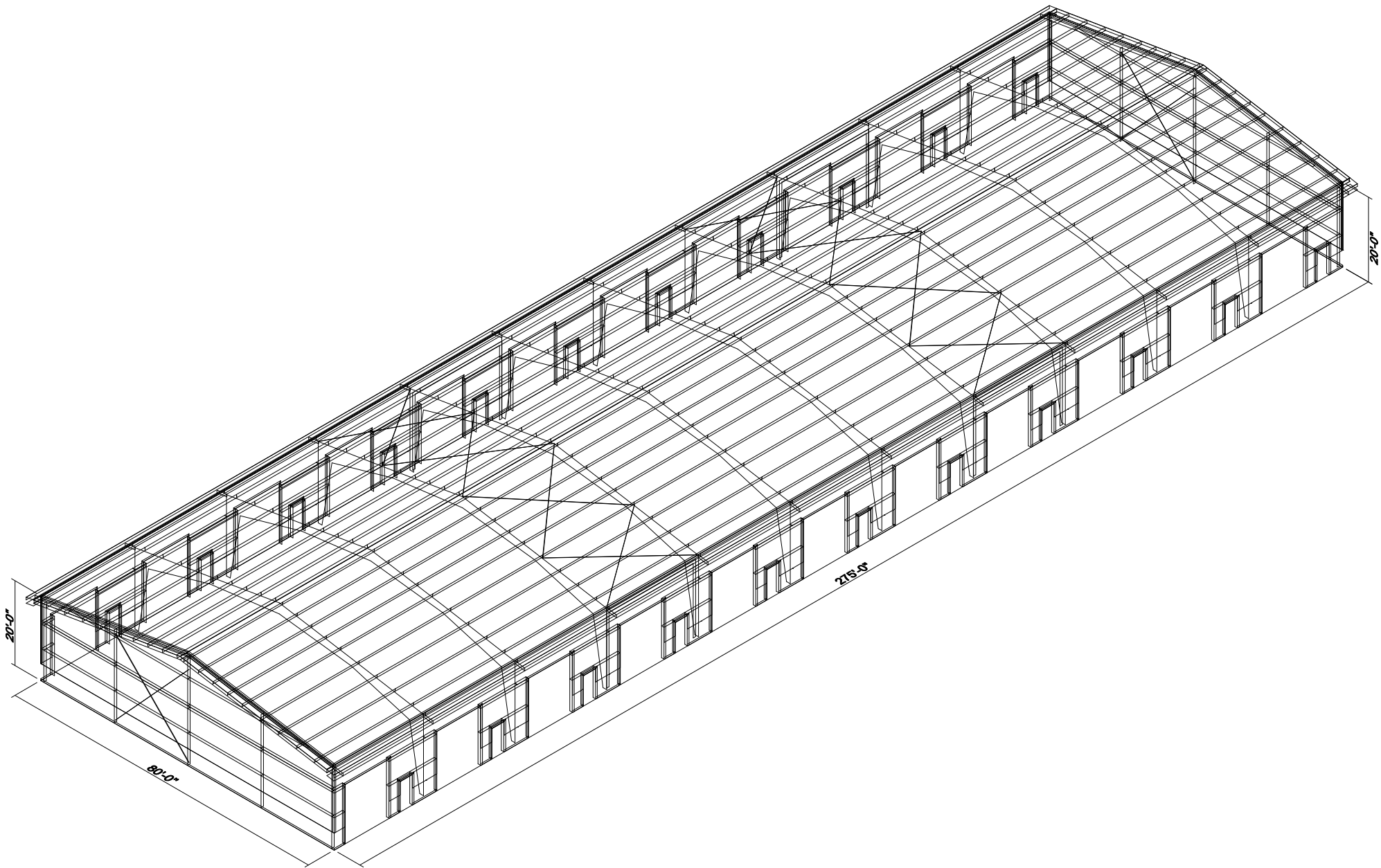
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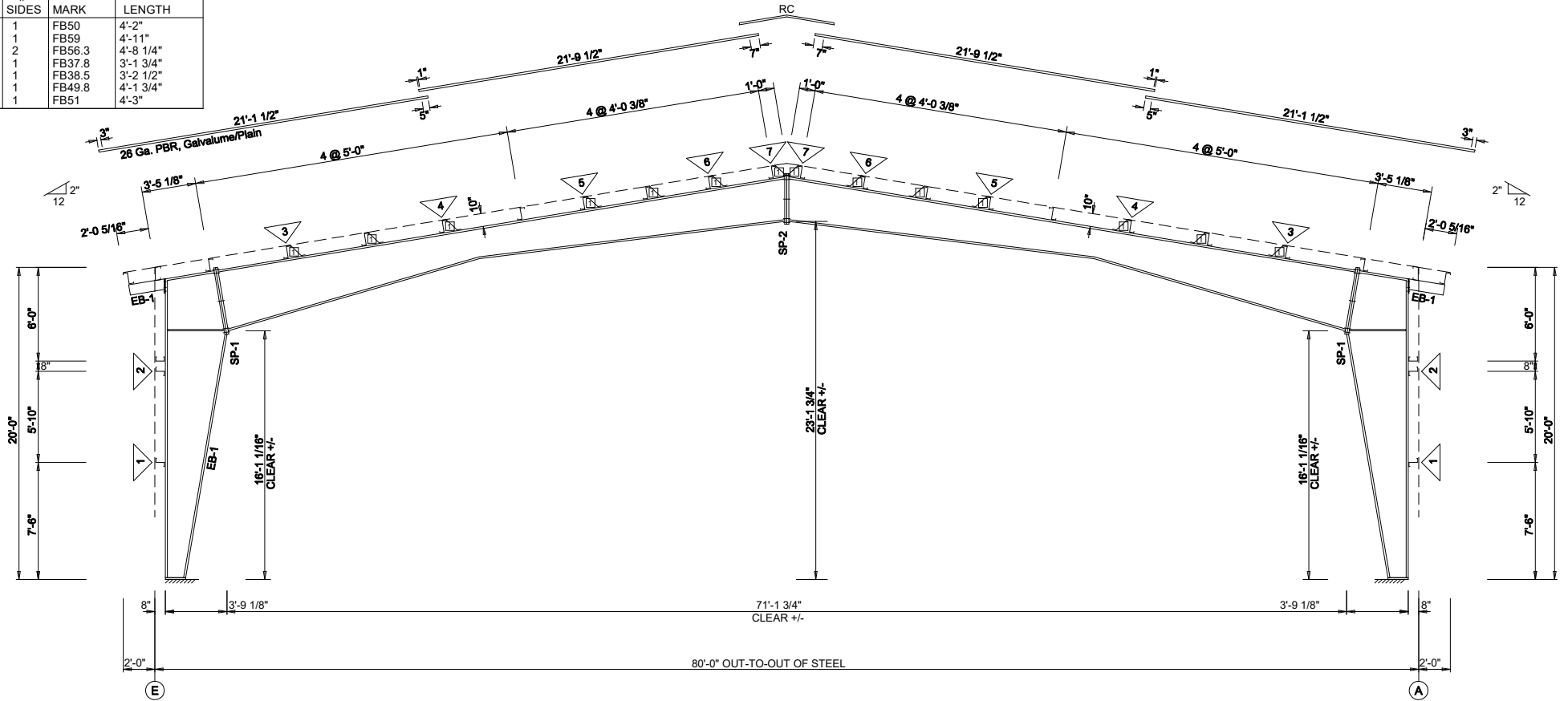




SPLICE BOLT TABLE						
Mark	Qty	Top	Bot	Int	Type	Dia Length
SP-1	4	4	2	A325	0.875	3.00
SP-2	4	4	2	A325	0.625	2.25

FLANGE BRACE TABLE											
FRAME LINE		2	3	4	5	6	7	8	9	10	11
▽ ID	#	SIDES	MARK		LENGTH						
1	1	1	FB50		4'-2"						
2	1	1	FB59		4'-11"						
3	2	1	FB56.3		4'-8 1/4"						
4	1	1	FB37.8		3'-1 3/4"						
5	1	1	FB38.5		3'-2 1/2"						
6	1	1	FB49.8		4'-1 3/4"						
7	1	1	FB51		4'-3"						

CONNECTION PLATES	
ID	Mark/Part
1	CL156



RIGID FRAME ELEVATION: FRAME LINE 2 3 4 5 6 7 8 9 10 11

# GENERAL NOTES:

MINOR FIELD WORK OF STRUCTURAL, SECONDARY AND PANEL/TRIM ITEMS MAY BE NECESSARY TO ENSURE PROPER FIT. SUCH WORK IS CONSIDERED A NORMAL PART OF METAL BUILDING ERECTION. WE WILL NOT HONOR BACKCHARGES FOR MINOR FIELD WORK.

DEALER		Customer: CUSTOMER INFO	
DLR ADDRESS 2		CUSTOMER ADDRESS 2	
Drafter: XX	Date: 3/23/23	Designer: RA	Date: 3/23/23
Detailer: XX	Date: 3/23/23	Sales ID:	Factory ID:
Checker: XX	Date: 3/23/23		
RIGID FRAME ELEVATION			Sht E of





1  
BUILDING

DOT 2941057







# Zoning Board of Appeals

October 26, 2023

HKL Reality  
154 Main Street  
Groveland, MA 01834

Re: Clarification Of Conditions Pertaining to Application 2023-4

It has come to the attention of the Board that there has been confusion as to the spirit of the conditions set forth by the Board in the Decision for a Special Permit for Application #2023-4. As such, the Board would like to offer clarification on the meaning & intent of each condition in question as to bring clarity & understanding to both the Applicant & Town Zoning Enforcement Officer.

Below please find the Board's clarification on the corresponding numbered conditions in the Decision. Condition notes as follows:

1. Any lessee of portions of the site will need to keep in accordance with the conditions as they pertain to the applicant.
2. The Board considers the definition of the term "dumpster" in this decision to be any conveyance, device, receptacle or other medium that could contain any type or volume of debris, material, garbage, trash, refuse, junk, discarded machinery, substance, or waste of any kind and regardless of the party responsible for its loading. As such, according to this condition the storage of any full, or partially full, dumpster shall be limited to the prescribed area reserved for storage of full or partially full dumpsters, which should be constructed of an impervious surface with curbing for spills without exception. Any full or partially full dumpster on site but not stored in the prescribed area and not on an impervious surface shall be deemed as being in violation of the condition.
3. The "prohibited items list" shall pertain to any services rendered, either fully or partially, by the applicant or any lessee and shall encompass such items as, but not limited to:
  - *Any and all items listed in the Town of Groveland Zoning Bylaw 50-6.2(g) Aquifer Protection Overlay District, Prohibited Items in keeping with the town's existing bylaws*
  - *Any and all items listed in attachment C provided by the applicant*
    - *Mattresses*
    - *Box springs*
    - *Asbestos or asbestos containing materials*
    - *Chemicals*
    - *Railroad ties*
    - *Liquids*
    - *Oils*

- *Medical waste*
- *Toxins or toxic substances*
- *Hazardous materials or substances*
- *Food waste*
- *Fuel or gas*
- *Batteries*
- *Lead based paints*
- *Oil based paints*
- *Water based paints*
- *A/C Units*
- *Tires*
- *Propane tanks*
- *Tube TVs or CRT monitors*
- *Fluorescent Bulbs*
- *Refrigerators*
- *Water heaters*
- *White goods and or appliances*
- *Furnaces*

4. As noted by the Town Zoning Enforcement Officer, there is a temporary fence erected to satisfy this condition & as it has been in place for a certain period of time is deemed to be permanent. If this fencing is moved, altered, removed, raised, or damaged in any way the Board will require a new fence with post in ground construction as originally prescribed without exception.
5. Similar to condition 2, the Board considers the term “dumpster” for use in this decision to apply to any conveyance, device, receptacle or other medium that could contain any type or volume of debris, material, garbage, trash, refuse, junk, discarded machinery, substance, or waste of any kind and regardless of the party responsible for its loading and therefore shall not be stored outside of the designated fenced area at any time whether full, partially full, or empty.
6. The planting plan for the vegetated buffer in this condition has been approved & shall be fully installed within a reasonable amount of time as determined by the Zoning Enforcement Officer or deemed to be in violation.
7. Hours of operation.
8. The terms “items” in this condition shall be meant to include any type or volume of debris, material, garbage, trash, refuse, junk, discarded machinery, substance, or waste of any kind and regardless of the party responsible for its loading, as well as any conveyance, device, receptacle or other medium whether full, partially full, or empty.



9. The term “full dumpsters” in this condition shall be meant to include any conveyance, device, receptacle or other medium or vehicle whether full or partially full.
10. The term “dumpsters” in this condition shall be meant to include any conveyance, device, receptacle or other medium or vehicle whether full or partially full.
11. This condition applies to all leased portions of the site as well as the applicant.
12. The phrase “use of this property” shall be meant to include any and all uses outside of those specifically stated in the decision and or Town of Groveland Zoning Bylaws by either the applicant or any leased portions of the property at any time with or without the applicant’s knowledge or consent.

The Board believes that these points of clarification are consistent with what was discussed at the public hearings and in line with the intent of the special permit that was issued.

Any questions or concerns regarding the content or spirit of these conditions should be addressed with the Board at one of their regularly scheduled meetings.

Sincerely yours,

Chris Goodwin, Chair

For Official Use

Receipt Stamp

**Docket Number**

**Application Fee**

\$

**Fee Paid**

## APPLICATION FOR ZONING RELIEF

*For Applicant's Use*

Type of Zoning Relief Sought by Applicant	
	Variance
	Special Permit
	Special Permit under Section 5 of the Zoning Bylaw
	Comprehensive Permit (pursuant to G.L. c. 40B)
Appeal of Decision (pursuant to G.L. c. 40A)	
	Building Inspector
	Planning Board
	Other

Please see Groveland Zoning Board of Appeals Rules and Regulations for specific requirements for plans and other materials required to be submitted in support of this application.

**PLEASE PRINT OR TYPE**

**1. SUBJECT PROPERTY INFORMATION**

<b>Address</b> (Number & Street Name)					
<b>Zoning District</b>		<b>Assessor's Map &amp; Lot</b>			
		<b>Map Number</b>		<b>Lot Number</b>	
<b>Current Use</b>					

**2. APPLICANT INFORMATION**

<b>Name of Applicant (s)</b>					
<b>Address</b>					
<b>City, State, Zip</b>					
<b>Phone Number</b>					
<b>Email Address</b>					
<b>Is Applicant the Owner of the Property?</b>	<b>YES</b>		<b>NO</b>		

**REPRESENTATIVE:**

<b>Name of Representative: (If Not Applicant)</b>	
<b>Address</b>	
<b>City, State, Zip</b>	
<b>Phone Number</b>	

**LEGAL OWNER:**

<b>Name of Legal Owner (If Not Applicant)</b>	
<b>Address</b>	
<b>City, State, Zip</b>	
<b>Phone Number</b>	

**3. LOT AND BUILDING DIMENSIONS**

<b><u>PROPERTY</u></b>	<b>Primary (At Address Location)</b>	<b>Secondary (If on more than one street or way)</b>
<b>Required Frontage (feet)</b>		
<b>Existing Frontage (feet and inches)</b>		
<b>Proposed Frontage (feet and inches)</b>		

<b><u>SETBACK</u></b>	<b>FRONT</b>	<b>SIDE</b>		<b>REAR</b>
		Left	Right	
<b>Required Setbacks (feet)</b>				
<b>Existing Setbacks (feet and inches)</b>				
<b>Proposed Setbacks (feet and inches)</b>				
<b><u>LOT</u></b>	<b>AREA (square feet)</b>	<b>COVERAGE (square feet)</b>		<b>MAXIMUM COVERAGE (%)</b>
<b>Required</b>				
<b>Existing</b>				
<b>Proposed</b>				
<b>DWELLING OR STRUCTURE</b>	<b>HEIGHT</b>	<b>NUMBER OF STORIES</b>		
<b>Required</b>				
<b>Existing</b>				
<b>Proposed</b>				

<b>4. DOES THE LEGAL OWNER OWN THE ADJACENT LAND?</b>		<b>YES</b>		<b>NO</b>	
If Yes, Provide Address and Tax Map & Lot of Adjacent Property.					
Address					
Tax Map Number		Lot Number			



**5. If Existing Property, Structure(s), and/or uses DO NOT conform to the current Zoning Bylaw, please describe what characteristic is non-conforming and when the lot, structure, or use began. (Attach extra sheet if necessary)**

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**6. Describe what is being proposed, planned or appealed. (Attached extra sheet if necessary)**

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**7. Structures on Property**

		Existing	Proposed
	Number of Buildings (Primary Residence, Accessory, including sheds)		
	Number of Dwelling Units (including Primary Residence)		

## 8. Application Submission Checklist

One Original and Eight (8) Copies of Signed Application Form

Filing Fee

Eight (8) Copies of Site Plans prepared in accordance with the Groveland Zoning Board of Appeals Rules and Regulations, including

- ❖ The dimensions and location of the subject property;
- ❖ The location, dimensions, setbacks, and height of existing and proposed structures on the subject property;
- ❖ Elevations of proposed structures.

Assessor's Property Card for Subject Property

Abutters List obtained from Groveland Assessor

The information provided in this application is true and correct to the best of the Applicant's knowledge.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

Do not staple documents



## Town of Groveland Zoning Board of Appeals Application

183 Main Street | Groveland, MA 01834

Phone: 978.556.7214

**Application:** If this Application is incomplete or missing any information, it will not be accepted by the Department Staff; therefore, we strongly recommend that you set an appointment with the Department Staff to review the application for completeness prior to submission. If it is submitted to Town Clerk and is incomplete the Zoning Board Staff person will reject the application. Bylaws are located on Town Website.

For Town Use  
Reviewed for completeness by:  
Date:  
Application #:

**DO NOT MANIPULATE IF DOWNLOADING FROM WEBSITE –PRINT OUT AND HAND WRITE**

**1. Location:** \_\_\_\_\_  
No. Street  
**Assessor's** \_\_\_\_\_  
**Records:** Map Lot (s) Lot size Zoning District

**2. APPLICANT:** ☐ Owner ☐ Lesse ☐ Buyer

*If the applicant is not the owner, please provide documentation from the owner allowing the applicant to act as the owners agent.*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**Co-Applicant or Attorney/Representative** \_\_\_\_\_: Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

**OWNER** (if different from Applicant): Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**3. Application: Description of proposed work or use/ Nature of relief requested:** *(Attach letter if necessary)*

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- ☐ Application is hereby made for a **Variance** from the requirement of the Groveland Zoning Bylaw Chapter 50, Section (s)\_\_\_\_\_and M.G.L Ch. 40A §10.
- ☐ Application is hereby made for a **Special Permit** from the requirement of the Groveland Zoning Bylaw Chapter 50, Section (s)\_\_\_\_\_and M.G.L. Ch. 40A § 9.
- ☐ Appeal made by a person aggrieved by the inability to obtain a permit or enforcement action from the Building Inspector under Groveland Zoning Bylaw Chapter 50, Section 14-2 and MGL c. 40A.

File number of a previous appeal, under zoning, on these premises: \_\_\_\_\_

Book and page of any other decision, under Zoning, Planning or Conservation: \_\_\_\_\_

**Project Type** *(Check all applicable):* \_\_\_\_\_Use Regulation\_\_\_\_\_Non-Conforming Use \_\_\_\_\_Non-Conforming Structure

\_\_\_\_\_Wireless Communication \_\_\_\_\_Building Inspector Appeal \_\_\_\_\_Other (see below)

\_\_\_\_\_Other; Explain: \_\_\_\_\_

**4. Application Checklist:** Please submit a completed and signed Application to Zoning Board Staff, make an appointment with Department Staff before you make copies.

\_\_\_\_\_ **Application Fee** (*made payable to the Town of Groveland*). Fee schedule on back page/check with Board staff person. Fee is due after application is reviewed by Department Staff and copies are made.

\_\_\_\_\_ **Certified Plot Plan-** Plan shall be Certified (*Stamped & Dated*) by a Registered land surveyor/engineer to include the location and dimensions of all existing and proposed buildings. Also setback distances (*setbacks from building/s to all lot line/s*) for all structures, driveways, easements or right of ways that abut or cross the subject property, i.e. area, boundaries, distances between buildings, front/rear/side yard setbacks; A scale measurement, with compass drawing showing North Arrow on the plan with the address of the property and names and addresses of the owner and the name of the person/ entity preparing the plan with the date of the plan. **MORTGAGE SURVEY PLANS or SEPTIC PLANS ARE NOT ACCEPTABLE. Any additions or updated Plans MUST be submitted to Board Staff 2 weeks Prior to hearing date. This can be waived by the request of the applicant to the Board.**

\_\_\_\_\_ **Floor Plans** of existing and proposed structures with all dimensions shown (*if applicable, check with staff*).

\_\_\_\_\_ Must have architect stamp, date, property address and applicants name on plans.

\_\_\_\_\_ **Elevations** –Front/rear/side showing measurements of the height of the existing and proposed structures using the definition of Building Height in the Zoning Bylaw (done by engineer/architect, stamped, dated, and marked).

\_\_\_\_\_ **Denial letter from Building Inspector** (*for Variance and Building Inspector Appeals only*)

\_\_\_\_\_ **Copy of Deed** (*proof of ownership with Registry Book & Page*)

\_\_\_\_\_ **Letter of Authorization to represent the owner/applicant.** (*If using attorney etc.*)

\_\_\_\_\_ **Current copy of paid tax bill.**

\_\_\_\_\_ **Recorded copy (with book & page) of any previous ZBA Decisions or from any Town Boards on the property.**

\_\_\_\_\_ **Abutter List for 300 ft. Radius of property, certified by the Assessor's Office, within last 6 months.**

\_\_\_\_\_ **Field Card of Property from Assessor's Office.**

\_\_\_\_\_ **Electronic copy of application/plans after the application has been reviewed by Board staff for completeness.**

After the staff person has reviewed the original application for completeness, the applicant shall make **8 sets (collated)** of application and detailed plans, **folded not rolled**. The size of the Plans shall be **11x 17 and one full size plan 24x36** (full size plan goes with your original set) keep all original documents in one set and do NOT staple. Have staff person review before you make any copies.

The legal notice will be written by the ZBA, it is the responsibility of the applicant to post in the newspaper and mail the notifications. If done incorrectly it may cause the hearing to be delayed. Instructions for this as well as mailings will be provided with the notice.

All information should be measured and calculated in accordance with Zoning By-laws; the information shall be based on architect/engineer/surveyor prepared plans and/or calculations.

### 5. Dimensional Information:

<u>Zone/District Required</u>	<u>Existing</u>	<u>Proposed</u>
Lot Area (sf):		
Frontage (ft):		
Front Yard Setback (ft):		
Side Yard Setback (ft) side: _____		
Side Yard Setback (ft) side: _____		
Rear Yard Setback (ft):		
Height (ft):		

### 6. Special Permits – M.G.L. 40 A§9 – Groveland Zoning Bylaw Section 4.5 / 14.6

A. Article & Section \_\_\_\_\_

B. For what purpose is the Special Permit requested: \_\_\_\_\_

C. In the event the Special Permit relates to a proposed alteration, modification, extension, or change to a pre-existing non-conforming use or structure, provide the following information:

Year the structure was built: \_\_\_\_\_

Does the proposal include a current pre-existing non-conforming structure: \_\_\_\_\_

- Describe the proposed alteration, modification, extension, or change to a pre-existing non-conforming use or structure: \_\_\_\_\_

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- Describe whether the proposed change will be different from the current use/structure: \_\_\_\_\_

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## 7. VARIANCE SECTION ONLY - M.G. L. Ch. 40A § 10 – Groveland Zoning Bylaw Section 14-7

A person filing a Variance/Use Variance is a **Petitioner**. A Petitioner requesting a Variance from the board must be able to show at the time of the hearing that:

1. Owing to circumstances relating to the soil conditions, shape or topography (but not size) of such land or structures, and especially affecting such land or structures (but not affecting generally the zoning district in which it is located), a literal enforcement of the provisions of this bylaw would involve substantial hardship, financial or otherwise;
2. Desirable relief may be granted without substantial detriment to the public good, and without nullifying or substantially derogating from the intent or purpose of this bylaw.
3. Failure to establish any of the standards shall constitute grounds to deny a petition for a variance. A variance may not be granted if the circumstance creating the hardship was self-created. The loss of the protection afforded a nonconforming use under the provisions of this bylaw is not a substantial hardship justifying the grant of a variance.

**QUESTIONS 1-5 MUST BE ANSWERED IN ORDER TO CONSIDER YOUR APPLICATION.**

(Use Separate sheet if necessary)

**1. What substantial hardship will you suffer if the variance is not granted?**

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**2. Explain what special conditions affect your land or structure as compared to other properties within the Zoning District.** \_\_\_\_\_

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**3. How is the financial hardship caused by one or more of the following?**

Soil Conditions: \_\_\_\_\_

Shape: \_\_\_\_\_

Topography: \_\_\_\_\_

**4. Describe how the Characteristics of your property prohibit you from doing what you are trying to accomplish:**

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**5. Explain why there would be no substantial detriment to the public good if the variance were granted:**

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*Attach separate sheet if necessary.*

**8. Hearing Request:** I/We hereby request a hearing before the Groveland Zoning Board of Appeals for the indicated relief. I/We certify that I/we have read and examined this Application and all the materials submitted that all of the information contained therein or provided therewith is true and correct.

APPLICANT: Signed: \_\_\_\_\_ Date: \_\_\_\_\_

OWNER OF RECORD: *If different*

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

**It is the Applicant's responsibility to assure that all legal requirements are satisfied and all showings are made. The Applicant is encouraged to review the By-Law in its entirety** *(available on town website or sold at Planning office or Town Clerk's office).*

### **FEE SCHEDULE**

*Per the Groveland Zoning Board of Appeals Administrative Rules & Regulations  
(Adopted 10-4-2017, revised to 4-4-2018)*

- A) An appeal from the action of the Building Inspector shall be accompanied by a check payable to the Town of Groveland in the amount of Two Hundred Seventy-five Dollars (\$275.00).
- B) All other applications and petition, including an application to amend, modify or transfer a variance or special permit, shall be accompanied by a check payable to the Town of Groveland in the amount of Four Hundred Dollars (\$400.00).

**IF THE APPLICATION IS INCOMPLETE OR NOT ACCOMPANIED  
BY THE REQUIRED ITEMS ON THIS APPLICATION  
THE APPLICATION WILL BE REJECTED**



# Town of Groveland

## Zoning Board of Appeals

183 Main Street  
Groveland, MA 01834



Christopher Goodwin, Chair  
Jason Naves  
John Stokes II  
Brad Ligols  
John Grohol

1 **APPROVED 10-4-2023 MOTION:** \_  
2 made a motion to approve the Aug 2,  
3 2023, meeting minutes. \_ seconded the  
4 motion. The vote was \_. The motion  
5 passes.  
6

9 Board/Committee Name: ZONING BOARD OF APPEALS 7  
10 Date: WEDNESDAY, August 2, 2023 8  
11 Time of Meeting: 7:30 PM  
12 Location: 183 MAIN STREET GROVELAND, MA 01834

13 Present: John Grohol, John Stokes II, Chris Goodwin, Jason Naves  
14 Absent: Brad Ligols  
15 Staff Present: Annie Schindler, Environmental Program Coordinator & Town Planner  
16 Public Present:

17 *NOTE: Minutes are not a transcript. A video recording of this meeting can be found on the Towns  
18 YouTube page.*

19 Goodwin: Call to order the meeting of the Groveland Zoning Board of Appeals at 7:30 PM on August 2,  
20 2023.

21 **MOTION:** Naves motions to open the meeting of August 2, 2023. Grohol seconds the motion. Voting all  
22 in favor, the motion passes.  
23

### 24 PUBLIC HEARING

25 **NEW:** Application #2023-6, 912 Salem Street, Applicant: Mark A Abare; A public hearing in accordance  
26 with Mass General Laws, Chapter 40A, as amended, for Application #2023-6 made by Mark A Abare, for  
27 the premises located at 912 Salem St Map 41 Lot 095, in the Industrial (I), Residential 1 (R1), and  
28 Residential 2 (R2) Zoning Districts, and owned by William T Bryan III, for a Special Permit in  
29 accordance with Section 50.4.5 (Table of Uses) of the Groveland Zoning Bylaw for a contractors yard.

30 Planner: They are requesting a continuance so they can finalize their materials for filing with  
31 Conservation and Planning.

32 **MOTION:** Naves motions to continue Application #2023-6, 912 Salem St to the September 6, 2023,  
33 meeting at 7:30 PM. Grohol seconds the motion. Voting all in favor, the motion passes.  
34

35 **NEW:** Application #2024-1, 1 Manor Drive, Building #2, Applicant: Arrowpoint Union Grove LLC; A public  
36 hearing in accordance with Mass General Laws, Chapter 40A, as amended, for Application #2024-1 made by  
37 Arrowpoint Union Grove LLC, for the premises located at 1 Manor Drive, Building 2, Groveland, MA Map  
38 103 Lot 10, in the Residential 2 (R-2) zoning district, for a modification of a Special Permit issued in 1961  
39 pursuant to the Town of Groveland Zoning Bylaw as amended to March 13, 1961 Section 2-7(n) to allow for  
40 dwellings of three or more families. This modification is to request a third floor to be added to Building 2.

41 Goodwin: Reads the above notice.

42 Rafael Hernandez: We are the designers and architects for the project. Building 2 was destroyed in a fire last  
43 year. You're all aware there is a need for housing like this in the area. We are looking to add a story so that  
44 two more units can be added. The building footprint would remain the same, just adding height. The additional  
45 units won't affect parking, and we have 40 extra spots. A full sprinkler and alarm system will be added, and

the building code will be adhered to. We believe this will enhance the area and add needed housing to the area. It would be a six-unit apartment building instead of 4-unit building.

Stokes II: Is this just for this one building or are we going to have to do this for every building?

Hernandez: It would just be for this one building, the fire opened a unique scenario for us to build up.

Goodwin: Does the Board want some time to look over this and continue to the next meeting?

Jay Goldberg: One of the owners of Arrowpoint LLC. We want to get approval as soon as possible because we've been waiting a long time.

Goodwin: Is there an objection to waiting for one more meeting prior to full approval?

Goldburg: We've just been waiting a long time.

Herandez: The building is open to the elements, and we don't want to let it further get damaged.

Grohol: When this was approved under the old Zoning Bylaws, it was because it was over a certain number of units?

Planner: The Board is making this determination based on the old Zoning Bylaws rather than our current ones as this is a modification. The criteria the Board should consider are that the use is not injurious, noxious, or offensive to the neighborhood.

Grohol: Given the current neighborhood, I believe two additional units are consistent with the neighborhood.

**MOTION**: Grohol motions to accept the application for the modification for the third floor. Naves seconds the motion. All in favor, 4-0. The motion carries.

**NEW**: Application #2024-2, 6 Union Street, Applicant: Stephen & Jennifer Hoffman and Alan Berry; A public hearing in accordance with Mass General Law Chapter 40A, as amended, for Application #2023-2 made by Stephen & Jennifer Hoffman and Alan Berry, for the premises located at 6 Union Street, Groveland, MA Map 11 Lot 136, in the Residential 3 (R-3) zoning district, for a variance from the Groveland Zoning Bylaw Section 50-7.1 Accessory Apartments. The variance requests that the accessory apartment not be within the existing dwelling and separated by a common wall.

Goodwin: Reads the above notice.

Brad Latham: Here on behalf of the applicants. Latham describes the property and home and the scope of the project, to have an accessory apartment separate from the primary dwelling. The purpose of the location of the garage is to not take away from the antique nature of the home. We know we must meet the statutory requirements. The layout of the home is a J shape, this makes it difficult to construct two separate dwellings given the interior layout and the loss of windows and a staircase. The topography is a major feature, there is 15-feet of elevation from the front of the lot to the rear of the property which precludes options for placement. It is important for the applicant because they would like the mother-in-law to move in so she can age in place. This also does not harm the intent of the bylaw as the proposed garage is not obtrusive, there will be no loss of vegetation, there is screening from abutters. I suggest that this is not setting a poor precedent, this is truly a unique situation. The last point is that there are no density issues, the lot is already oversized. We know you have received comments from various departments, and we are sure these can be addressed, Water & Sewer Department and GMLD. Thank you for your time.

Grohol: You mentioned that the comments from GMLD will be addressed?

Latham: Yes, they had their own electrician go out today and they agreed and will be upgrading to the 400 panel.

Grohol: Did we get any comments from abutters that objected to the project.

Planner: No.

Stokes II: I'm not a fan of detached, but I drove by the site, and I don't see any other possibility. Especially since it is for family.

**MOTION**: Stokes motions to accept the plan for 6 Union Street. Grohol seconds the motion. All in favor, 4-0. The motion carries.

**154 CENTER ST**: Continued update of compliance with decision.

Goodwin: To bring everyone up to speed, we had Sam (Building Inspector/Zoning Enforcement Officer), issue a letter on July 20<sup>th</sup> instructing the owner he has 30 days to become in compliance with his decision, and after that point fines can begin.

Planner: In your meeting packet you can see correspondence between myself and the owner of the property. I had asked for an update, and he noted that he already said that he would be moving forward with temporary

fencing, rather than apply for a permanent fence through the Conservation Commission. *Explains the filing with the Conservation Commission.*

Goodwin: My issue is that he is just taking a step back by rescinding his Conservation Commission application, and I'm not okay with that. I also don't see a temporary fence as in compliance with the decision we issued. He also isn't speaking to the 4 other non-conformances that are called out in Sam's letter. After the last meeting when he told us to watch the tape, I did, and it looks like there are many other things happening on site that are not supposed to be happening. I personally urge him to come to the next meeting. I don't believe a temporary fence would satisfy our decision.

Stokes II: So, he really hasn't done anything to address the non-conformances rather than to say he won't be applying with ConCom?

Planner: I'll note that Sam has not received his "green card" back from the owner, so we can't be certain he has received the enforcement letter yet. When Sam sends these out, he also sends regular mail because that will get delivered no matter what, so if he doesn't get a green card back then he calculates the 30 days from two days after the letter is mailed out.

Stokes II: We need to get our ducks in a row if we need to revoke this permit.

Naves: Do you know what the fines would be?

Goodwin: \$100 for the first offence, \$200 for the second offence, and \$300 for each subsequent offence. Every day of non-compliance is a separate offence. Again, I urge the owner to come to the next meeting to discuss this matter.

**MINUTES**: Acceptance of May 3, 2023, meeting minutes.

**MOTION**: Naves motions to accept the May 3, 2023, meeting minutes. Grohol seconds the motion. All in favor, 4-0. The motion carries.

### **TOWN PLANNER UPDATE**

Planner: The 150 Center Street Feasibility Study is going well, there was a community meeting last week, the Master Plan is going to be on the August 28<sup>th</sup> Board of Selectmen meeting agenda with the Planning Board for the consultants to do a presentation. Sewell Street is still going through the building review.

### **OTHER ITEMS NOT REASONABLY ANTICIPATED AT THE TIME OF POSTING**

Goodwin: The only thing I have is that I know some of our members are out of date on our ethics training so please do that if you have not.

### **ADJOURNMENT**

**MOTION**: Goodwin motions to adjourn the meeting at 8:06 PM. Naves seconds the motion. All in favor, 4-0. The motion carries.

Respectfully submitted,

Annie Schindler, Town Planner & Conservation Agent

*Meeting Materials: August 2 2023 Agenda, 1 Manor Drive Special Permit Modification Application Package, Zoning Bylaws for the Town of Groveland January 1962, Department comments for 1 Manor Drive, 6 Union Street Variance Application Package, Department comments for 6 Union Street, Letters of Support for 6 Union Street, Correspondence regarding 154 Center St, Draft May 3 2023 Minutes, Sign-in Sheet*