



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, May 1, 2024
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:

NEW: Application #2024-6 441 MAIN STREET (ESTY PARK) – A public hearing in accordance with General Laws, Chapter 40A, as amended, for Application #2024-6 made by Esty Park Trust, Eric Harper Trustee, 8 Federal Way, Groveland MA for the premises located at 441 Main Street, Groveland, Map 24 Lot 9, located in the Residential 2 (R2) Zoning District to modify Special Permit #2014-4 to add an additional building to the Property.

MINUTES: Approval of the April 23, 2024, meeting minutes.

TOWN PLANNER UPDATE

OTHER ITEMS NOT REASONABLE ANTICIPATED AT TIME OF POSTING

NEXT MEETING: June 5, 2024

ADJOURNMENT

TOWN OF GROVELAND
2024 APR 25 PM 12:27
TOWN CLERK
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NOTE - Notices and agendas are to be posted 48 hours in advance of the meeting excluding Saturdays, Sundays and legal holidays.



**Town of Groveland
Zoning Board of Appeals
Application**
183 Main Street, Groveland MA

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.
DO NOT MANIPULATE IF DOWNLOADING FROM WEBSITE.

For Town Use
Reviewed for completeness by: A. Schindler
Date: 4/8/24
Application #: 2024-6

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2024 APR -8 AM 10:52

LOCATION

Location: 441 Main Street, Groveland, MA
Address

Assessor's Records:	<u>24</u>	<u>9</u>	<u>R2</u>
	Map	Lot	Zoning District

APPLICANT

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

Primary Applicant: ☒ Owner ☐ Lessee ☐ Buyer

Name: Esty Park Trust, Eric Harper Trustee

Address: 8 Federal Way, Groveland, MA

Phone: 978-979-5737 Email: MrEricH1@hotmail.com

Secondary Applicant: ☐ Co-Applicant ☒ Representative

Name: James Ogden

Address: 2 Woodland Road, Georgetown, MA 01833

Phone: 978-702-7390 Email: JLOgden@gmail.com

Owner: *(if different from applicant)*

Name: _____

Address: _____

Phone: _____ Email: _____

PROJECT DESCRIPTION & INFORMATION

Process Sought:

- ☐ 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) 5.4 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.

Project Type: *(Check all that apply)*

Use Regulation

[Article 4](#)

Non-Conforming Use

[Article 5](#)

Non-Conforming Structure

[Article 5](#)

Wireless Communication Facility

[Article 6 Section 3](#)

☐

Non-Conforming Lot

[Article 8](#)

☒

Building Inspector Appeal

[Article 14 Section 2](#)

☐

Variance

[Article 14 Section 7](#)

☐

Other: *(If other please explain below)*

☐☐☐☒

Brief description of proposed work or use, or nature of relief requested. *(Attach letter if necessary)*

We seek relief to extent a nonconforming use to allow construction of an additional building, not to exceed 40'x80', at the Esty Park business park, formerly the site of Esty Lumber Corporation.

Prior Filings: File number, or Registry of Deeds book and page, of any previous appeal or permit issued by the Zoning Board of Appeals, Planning Board or Conservation Commission on these premises:

Zoning Board of Appeals filing #2014-4, decision recorded 4/29/2014, Bk 33242 Pg 85

Planning Board Aquifer Protection Special Permit and Site Plan Approval, findings and decision recorded 7/7/2015 Bk 34422 Pg 300

Dimensional Information:

All information should be measured and calculated in accordance with the [Zoning Bylaws](#); the information shall be based on architect/engineer/surveyor prepared plans and/or calculations.

Requirements per Zoning District	Existing	Proposed
Zoning District: <u>RA</u>		
Lot Area (sqft):	30,000	745,869
Lot Frontage (ft):	150	361.21
Front Yard Setback (ft):	30	200.4
Site Yard Setback #1 (ft):	15	134
Site Yard Setback #2 (ft):	15	288.7
Rear Yard Setback (ft):	15	620.7
Height (ft):	35	25

If the 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.

Esty Lumber Corporation operated on the site long before the adoption of Zoning in Groveland.

Many of the current structures predate the adoption of Zoning in 1953.

For just over 10 years, Esty Park Trust has continued many of the pre-existing, non-conforming uses, operating the site as a small business support center, during which time the land has zoned for residential use.

SPECIAL PERMIT

(Only complete if filing for a Special Permit)

Special Permit Type Sought:

Table of Uses Article 4 Section 5	<input type="checkbox"/> Registered Marijuana Dispensary Article 7 Section 4	<input type="checkbox"/>
Non-Conforming Use, Lot or Structure Article 5	<input checked="" type="checkbox"/> Sign Regulations Article 11	<input type="checkbox"/>
Wireless Communication Facility Article 6 Section 3	<input type="checkbox"/>	

**PLEASE BE SURE TO REVIEW THE SPECIFIC REQUIREMENTS
FOR EACH OF THE ABOVE FILING TYPES IN THE ZONING BYLAW.**

In addition to the specific requirements outlined in each Special Permit type, all Applicants must prove they meet the seven criteria listed in [Article 14 Section 6\(A\)](#). The criteria are listed below with space for an explanation, but if more space is required, please submit supporting documentation.

Criteria:

1) Social, economic, or community needs which are served by the proposal:

Esty Park provides office, storage, and warehouse space, as well as commercial yard space for a great number of local small businesses. The proposed building will add 4 more fully enclosed bays for small businesses to operate from.

2) Traffic flow and safety, including parking and loading:

The existing site has two secured entrance/exit gates approximately 200' from the main road. All parking and loading associated with this proposed building will be situated inside the fenced yard area which encompasses approximately 8 acres of land area.

3) Adequacy of utilities and other public services:

The site is serviced by Groveland Electric as well as Groveland Water & Sewer.

4) Neighborhood character and social structures:

The site is located across the street from Parker Fence Company. To the south is property of Groveland Electric. To the west is Johnson Creek and Haverhill. The north side of the property borders the Merrimac River. The Wharf Drive and Lane neighborhoods lay to the east, northeast of the property. For the last 10 years, Esty Park has strived to be a good neighbor.

5) Impacts on the natural environment:

Esty Park maintains the existing buffer to the two riverfront areas which it abuts. The proposed structure is centrally located on the site, creating little to no new impervious area.

6) Potential fiscal impact, including impact on Town services, tax base, and employment:

The proposed additional structure adds approximately 3200 square feet of commercial floor area to the tax base, to be tied in to existing utilities, on an already developed site. Commercial and Industrial uses create tax revenue that supports Groveland's largest expense, without adding any students. Esty Park provides a home base for small businesses, and their associated business equipment.

7) Consistency with the Town of Groveland Community Development Plan or the Town of Groveland Master Plan:

Unfortunately, Esty Park does not fit into any of the 3 Key Areas of focus identified in the "Master Plan."

Over the 5 year period between 2018-2022, there was a 21% increase in the value of a single family home. (p. 31)

For the same time period, there was a 25% increase in that homes tax bill. (p. 31)

The Master Plan cries out for more tax revenue, yet struggles to find ways to raise it.

For the same time period, the assessed value of Esty Park has grown 29%, with a tax bill increase of 35%.

Since 2015, the assessed value of the property has increased almost 600% (\$918,800 to \$5,399,000)

VARIANCE

(Only complete if filing for a Variance)

Variance Sought:

Please list the specific section of the Zoning Bylaw in which you are seeking a variance for:

NOTE: [Section 14.7\(D\)](#) prohibits the granting of use variances.

All Applicants must prove they meet the three criteria listed in [Article 17 Section 7\(A\)](#). If the Applicant cannot meet these three criteria they will not be considered for a variance. The criteria are listed below with space for an explanation, but if more space is required, please submit supporting documentation.

1) Owing to circumstances related to soil, shape, or topography conditions of the land or structures, specifically affecting the land or structure but not generally the rest of the zoning district in which it's located:

2) A literal enforcement of the Bylaw will cause substantial hardship, financial or otherwise:

3) Relief can be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of the Bylaw:

APPLICATION CHECKLIST

Please submit a completed and signed Application to the Zoning Board Staff and make an appointment with Board Staff prior to making copies.

- ☐ **Application Fee** - See Appendix A (*made payable to the Town of Groveland*).
- ☐ **Copy of Deed**
- ☐ **Property Card** - From the Assessor's Office.
- ☐ **Abutters List for a 300 ft radius of the property** - Certified by the Assessor's Office within the last 6 months.
- ☐ **Stamped and Addressed Mailings** - See Appendix B
- ☐ **All Prior ZBA, Planning Board, or Conservation Commission Decisions**
- ☐ **Letter of Authorization** - To represent the owner/applicant (*if using representative or attorney*).
- ☐ **Denial Letter from Building Inspector** (*for Variance and Building Inspector Appeals only*).
- ☐ **Plot Plan** - Depending on the application, a certified plot plan may be required. Please consult with Board Staff. Requirements for the plot plan are listed in Appendix C.
- ☐ **Floor Plan** - Depending on the application, a certified floor plan may be required. Please consult with Board Staff
- ☐ **Electronic Copy of All Documentation**
- ☐ **DO NOT INCLUDE/PRINT APPENDIXES IN APPLICATION THAT GETS SUBMITTED TO THE BOARD**

Legal Notice & Abutter Notification

The Zoning Board of Appeals shall provide the Applicant with a copy of a Legal Notice which shall also be used the Abutter Notification.

Notice of the Applicant's public hearing will be published in the Eagle Tribune once in each of two successive weeks, the first publication to be not less than 14 days before the date of the hearing. The Board will prepare the legal notice; the applicant is responsible for submitting the legal notice to the newspaper for publishing and providing payment to the newspaper.

It is the Board's Policy that the Applicant shall be responsible for proper notification of Abutters. Abutter Notification shall be accomplished with Certified Mail/Return Receipt Requested. The actual return receipt shall be submitted to the Board at the start of the first public hearing. Failure to provide proof of Abutter Notification at the first meeting shall deem the meeting to be improperly noticed and shall be canceled. In such an event, the Applicant shall be allowed to withdraw the application for re-submittal at a later date. All costs associated with re-submittal shall be the responsibility of the Applicant, including legal advertisements.

In addition to abutter notification, the Applicant shall send notice of the application to all municipalities abutting the Town of Groveland. The notice to abutting towns does not need to be sent certified mail; Town of Boxford Planning Board 7A Spofford Road Boxford, MA 01921, Town of Georgetown Planning Board 1 Library Street Georgetown, MA 01833, City of Haverhill Planning Board City Hall, Room 201 4 Summer Street Haverhill, MA 01830, Town of Newbury Planning Board Town Hall 12 Kent Way Byfield, MA 01922, Town of West Newbury Planning Board 381 Main Street West Newbury, MA 01985.

SIGNATURES

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:

Signature: _____

Printed Name: _____

Esty Park Trust, Eric Harper Trustee

Owner of Record:

Signature: _____

Printed Name: _____

Esty Park Trust, Eric Harper Trustee

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).

APPENDIX A

Schedule of Fees

Special Permit/Variance: \$400.00

Appeal of the Decision of the Building Commissioner: \$275.00

APPENDIX B

Mailing Requirements

The Applicant will provide a set of mailing labels to the Zoning Board of Appeals to be used by the Board to mail the Decision to the abutters. The Applicant is responsible for submitting stamps (or stamped envelopes if the Applicant has access to a mailing machine) for each abutter to the Zoning Board of Appeals for the Decision. The Zoning Board of Appeals will assemble the mailing and mail accordingly.

APPENDIX C

Plot Plan Requirements

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 front/rear/side yard setbacks and setback distances (setbacks from building/s to all lot line/s for all structures); Elevations for the front/rear/side showing measurements of the height of the existing and proposed structures using the definition of Building Height in the Zoning Bylaw; 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, you should have a survey/certified plot plan. Any additions or updated Plans MUST be submitted to Board Staff two weeks Prior to the hearing date.

Zoning Board of Appeals
Town of Groveland
183 Main St
Groveland, MA 01834

March 20, 2024

To whomever it may concern,

Please allow this letter to serve as authorization to allow James Ogden to serve as representative for Esty Park Trust with respect to the application to the Board to modify the existing Special Permit #2014-4, to construct an additional building at 441 Main St, Groveland, MA.

Sincerely,



Eric Harper
Trustee, Esty Park Trust



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**TOWN OF GROVELAND
ZONING BOARD OF APPEALS**

**DECISION AND NOTICE OF DECISION
APPLICATION #2014-4 SPECIAL PERMIT**

2014042900022 Bk:33242 Pg:85
04/29/2014 08:52 DCSN Pg 1/3

YOU ARE HEREBY notified of the Decision of the Board of Appeals for the application made by Eric Harper, for property located at 441 Main Street, Groveland, Massachusetts Assessor's Plat # 24 Lots # 8 and #9, which Application# 2014-4 was filed with the Board on February 10, 2014 as signified by the Town clerk's date stamp.

The Board of Appeals, as authorized by Section 15 of Chapter 40A of the Massachusetts General Laws, heard the application of petitioner noted above at a public hearing, duly advertised on February 19, 2014 and February 26, 2014 and conducted on March 5, 2014.

The Board's decision to **GRANT A SPECIAL PERMIT** as set forth below:

Moved Tom Wakefield, seconded Christopher Reddy to approve the following:

VOTED WITH THE FOLLOWING STIPULATIONS:

1. Hours of operation: Monday-Saturday-7:00a.m.-7:00p.m. 6 days a week.
2. Maximum number of employees. 3
3. Signs: 1 – existing current sign with name of business.
4. Parking: plenty of parking spaces in rear of building.
5. Material deliveries/pickups by all types of vehicles.
6. Lighting: existing lighting cut of illuminate.
7. Maximum square footage of building area limited to 57,066 square feet (existing buildings as of March 5, 2014).
8. For Retail/Office Use only (if applicable) Building "A" to reestablish rental (former Esty's Lumber Store)
9. All submitted plans will become part of this agreement.
10. If proposal is in the Aquifer Protection District the applicant shall meet all the requirements as deemed necessary by the Groveland Planning Board.
11. Subject to all Groveland Board of Health Rules and Regulations.
12. Subject to all laws, rules, regulations, inspections, and others of the Commonwealth of Massachusetts.
13. Special permit is subject to recall if the Board receives any written complaints.
14. No action on the special permit, or any extension, modification or renewal thereof, shall take effect until a copy of this decision is recorded in the **ESSEX SOUTHERN DISTRICT REGISTRY OF DEEDS** for the county and district in which the land is located and indexed in the index under the name of the owner, or is recorded and noted on the owners certificate of title, and a receipt of said transaction delivered to the Building inspector prior to issuance of a an occupancy permit.

15. If the rights authorized to the applicant and or property owner by said Special Permit are not exercised within two (2) years from the date of granting of said Special Permit (filing date with the Town Clerk of the Boards decision), then such Special Permit Rights shall become null and void unless a substantial use thereof has commenced except for good cause, or if in the case of a permit of construction, if construction has not yet begun by such date except for good cause.

16. **All above mentioned documents shall be enclosed and recorded with this decision:**
i. Plans for buildings and lot.

Vote on Motion with Stipulations:

	YES	NO	ABSTAIN	ABSENT
CHAIRMAN (T. Wakefield)	X			
MEMBER (C. Reddy)	X			
MEMBER (J. Moran)	X			
MEMBER (K. Franson)	X			
MEMBER (D. MacDonald)	X			
Alt. Member (M. Wood)-(Not Voting)				
Alt. Member (B. Dunn)-(Not Voting)				

Any Appeal of this Decision shall be made pursuant to Section 17 of Chapter 40A and shall be filed with the Superior or District Court within twenty (20) days after the date of filing of the above cited Decision with the office of the Town Clerk. Procedural appeals shall be taken in accordance with Section 17 of Chapter 40A.

Tom Wakefield
Chairman

3 - 7 - 2014
Date

Record of evidence, findings of fact and detailed record of the proceedings of the Board of Appeals presented at the hearing and filed with the Town Clerk and Planning Board, which is incorporated herein by reference and considered a part hereof.

TOWN OF GROVELAND

Notice of Appeal or Not

For Decision Made by Groveland Zoning Board

Mail to:

Office of the Town Clerk
183 Main St
Groveland, MA.
Tel- 978-469-5005
Anne Brodie

I hereby certify that a copy of the decision of the Zoning Board of Appeals of the Town of Groveland, relating to the application of:

ERIC W. HARPER, Trustee of the
Esty Park Trust

File number: 2014-4

Was filed in this office on: MARCH 7, 2014

And that **NO NOTICE OF APPEAL** was filed during the Twenty (20) days after the date.

It is strongly urged that this decision be filed at the registry of Deeds as it will affect your property and the status of your property deed. Should you file this document, we ask that you bring a copy of the file number back to the office of the Town Clerk, so that it may be filed with your original document. Thank You!

Original decision has been picked up by applicant, and or his agent, from the Town Clerk of Groveland.


Town Clerk Signature

Property Address: 441 Main Street
Groveland, MA 01834

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FINDINGS AND DECISION

APPLICATION FOR AQUIFER PROTECTION DISTRICT SPECIAL PERMIT AND SITE PLAN APPROVAL

Applicant: Owner – Eric W. Harper, Trustee, Esty Park Trust
Operator – Eric W. Harper, Esty Park Business Association

Subject Property: 441 Main Street, Groveland, MA
Assessor's Maps 24, Parcel 9

Date: July 7, 2015

PROCEDURAL HISTORY

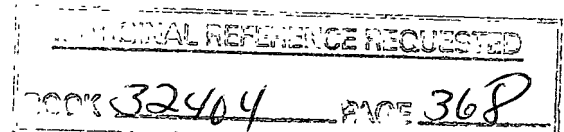
1. The Applicant has proposed to renovate an office/retail building with associated site improvements, to modify and improve other existing commercial buildings and parking areas, to continue the pre-existing business use of the site, to consolidate bulk storage within a single paved area, to enclose open storage within several new buildings to be constructed over time, and to install new landscape buffers (collectively, the "Project") on the Subject Property, which is located in the Residence District (R-B) and has been used for multiple commercial and industrial purposes prior to the inception of zoning in Groveland.

2. The Project consists of two phases as shown on the Record Plans which include the following three drawings:

- Plan titled "Estys Park, 441 Main Street, Site Plan – Phase 1 in Groveland, MA", prepared by Marchionda & Associates, L.P. of Stoneham, Massachusetts dated May 13, 2015, last revised May 15, 2015.
- Plan titled "Estys Park, 441 Main Street, Site Plan – Phase 2 in Groveland, MA", prepared by Marchionda & Associates, L.P. of Stoneham, Massachusetts dated May 13, 2015, last revised May 15, 2015.
- Plan titled "Estys Park, 441 Main Street, Landscape Plan in Groveland, MA", prepared by Marchionda & Associates, L.P. of Stoneham, Massachusetts dated January 14, 2015, last revised May 15, 2015.

3. Phase 1 of the Project totals 69,880 square feet (sf) consisting of (a) an existing 5,150 sf

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building to be used primarily for office and retail purposes, and (b) 15 existing buildings totaling 64,730 sf to be used primarily for small business support storage. Phase 2 of the Project consists of 4 new buildings totaling 17,400 sf to be used primarily for enclosed storage in lieu of open storage. Phase 1 of the Project will result in a net reduction of 10,144 sf in total building area on the Subject Property; Phase 2 of the Project will result in the net addition of 7,256 sf in total building area on the Subject Property. Phase 2 of the Project is intended to substitute for the 40B multi-family housing previously proposed for the eastern side of the Subject Property.

4. The Project is partially located in the Town's Aquifer Protection Overlay District and requires (a) a special permit from the Planning Board pursuant to Section 1700.6 "Aquifer Protection District" of the Zoning By-laws, and (b) site plan approval by the Planning Board per Section 108.1 of the Zoning By-laws.

5. A public hearing was duly advertised and held on January 7, 2015. After hearing and consideration of the testimony and evidence of all parties present, and upon due consideration of the Groveland Zoning By-Laws, the Planning Board hereby approves the submitted site plans and the Aquifer Protection District special permit application with the following conditions/restrictions.

6. This decision is rendered on July 7, 2015 subsequent to the public hearing opened on January 6, 2015, continued on February 17, 2015 and closed on May 19, 2015.

7. The approval of the Special Permit and Site Plan, subject to the conditions enumerated in this decision, was voted unanimously (4 – 0) by the four members present.

8. The following documents and exhibits were received during the public hearing and are hereby incorporated by reference in this decision.

- Plan titled "Estys Park, 441 Main Street, Site Plan – Phase 1 in Groveland, MA", prepared by Marchionda & Associates, L.P. of Stoneham, Massachusetts dated May 13, 2015, last revised May 15, 2015.
- Plan titled "Estys Park, 441 Main Street, Site Plan – Phase 2 in Groveland, MA", prepared by Marchionda & Associates, L.P. of Stoneham, Massachusetts dated May 13, 2015, last revised May 15, 2015.
- Plan titled "Estys Park, 441 Main Street, Landscape Plan in Groveland, MA", prepared by Marchionda & Associates, L.P. of Stoneham, Massachusetts dated January 14, 2015, last revised May 15, 2015.
- Site Plan Review & Special Permit Application letter prepared by Esty Park Realty Trust dated February 2, 2015

Site Plan Review & Special Permit Application letter prepared by Marchionda & Associates, L.P. dated November 25, 2014.

- Building Summary Table, four sheets, prepared by Esty Park Trust, dated November 5, 2014 last revised January 7, 2015.
- Site Walkover, Evaluation of Hazardous Material Storage and Review of Applicable Sections of the Aquifer Protection Bylaw letter prepared by New England Environmental Technologies, Corp. dated April 2, 2015.
- Town of Groveland Application for Site Plan Review prepared by Eric Harper dated May 13, 2015.
- Special Permit Application "Hazardous Material and Environmental Policy" prepared by New England Environmental Technologies, Corp. dated December 1, 2014, last revised May 4, 2015.
- Response letter prepared by Marchionda & Associates, L.P. dated May 12, 2015.
- Comment letter from the Groveland Water and Sewer Department dated January 7, 2015.
- Comment letter from the Groveland Conservation Commission dated January 9, 2015.
- Peer Review letters from GZA GeoEnvironmental, Inc. dated February 10, 2015, April 14, 2015 and May 18, 2015.
- Verbal comments during hearings by Dianne LaFrance, 1 Wharf Lane, Groveland.

9. The plans and other submission materials were reviewed by the Planning Board and its consulting engineer, GZA GeoEnvironmental, Inc. (GZA). Throughout its deliberations, the Planning Board has been mindful of the statements of the applicants and their representatives, and the comments of the general public, all as made at the public hearings.

FINDINGS OF FACT:

1. An Aquifer Protection District special permit may be granted by the Planning Board pursuant to Section 1700 of the Groveland Zoning By-laws when the proposed uses are in harmony with the general purpose and intent of the Zoning By-laws, when the adverse effects of the proposed uses will not outweigh its beneficial impacts to the town or the neighborhood (considering the particular characteristics of the site and the proposed project in relation to that site) and when the specific standards set forth in the Zoning By-laws are met. Per Section 1700.7.C of the Groveland Bylaws the Aquifer Protection District specific standards include the following:

- a. The proposed use in no way, during construction or thereafter, adversely affects the existing or potential quality or quantity of water that is available in the Aquifer Protection District.
- b. The proposed use is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site to be developed.

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2. The Board makes the following findings with regard to the Project's compliance with the Aquifer Protection District standards:

- a. The proposed Project will reduce the total impervious area on the site, will expand the landscaped areas on the site and, therefore, will increase the quantity of water that is available in the Town's aquifer. The Project will be conditioned and will employ measures to control uses on the site, provide for the safe storage of small quantities of hazardous materials and prohibit the storage of hazardous materials within Zone II aquifer areas on the site.
- b. The Project will only involve minimal disturbance of soils and topography. The project has been designed to maintain exiting drainage patterns, and to protect and increase vegetation on the site. As a result the Project should not impact the natural groundwater patterns of the site.

3. Pursuant to Section 108.2.2 of the Groveland Zoning By-laws, the Board must consider the following matters in its review of a site plan submittal:

- a. Protection of adjoining premises against seriously detrimental uses by provisions for surface water drainage, sound and sight buffers and preservation of views, light and air;
- b. Convenience and safety of vehicular and pedestrian movement within the site, the location of driveway openings in relation to traffic or to adjacent streets and, when necessary, compliance with other regulations for the handicapped, minors and elderly;
- c. Adequacy of the arrangement of parking and loading spaces in relation to the proposed uses of the premises;
- d. Adequacy of the methods of disposal of refuse and other wastes resulting from the uses permitted on the site;
- e. Relationship of structures and open spaces to the natural landscape, existing buildings and other community assets in the area and compliance with other requirements of this Bylaw; and
- f. Impact on the Town's resources including the effect on the Town's water supply and distribution system, sewage collection and treatment, fire protection, streets and school systems;

and may impose such appropriate conditions, limitations, and safeguards as will insure compliance with the terms of approval.

4. The Board makes the following findings with regard to the Project's compliance with the Site Plan Review standards:

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- a. The Project includes the installation of landscape berms, landscaping and fencing to provide sound a buffer and to protect the views of the adjacent residential properties. The project will not alter stormwater drainage patterns or increase flows to the adjacent properties. The new buildings proposed as part of Phase 2 will provide enclosed storage in lieu of open storage, and will be separated from residential areas by a landscaped berm.
- b. The Project will establish defined parking areas and access ways within the site which will improve the convenience and safety of vehicular and pedestrian movement. The proposed uses will generate minimal traffic and require minimal parking. The Project will maintain the existing street opening.
- c. Handicap parking will be provided as required by ADA and Massachusetts AAB regulations. The proposed retail/office building will be fully handicapped accessible.
- d. Most of the proposed uses involve off-site activities and will not generate significant refuse or waste on site. Dumpsters have been provided on-site.
- e. At the front of the site along Main Street, the Project involves substantial rehabilitation of and landscaping around Building B-101. At the rear of the site, the Project will improve the Riverfront areas along the Merrimack River and Johnson's Creek by the removal of barges and derelict vessels, by the stabilization of river bank areas, and by the maintenance of a large grass field along the River's edge.
- f. The proposed uses will be screened from adjoining public ways and private residences and should have no impact on community assets in the area.
- g. The proposed uses will not cause a significant impact in water demand and should not impact the Town's water supply and distribution system, or sewage collection and treatment system. All new buildings proposed as part of the Project will be single-story steel-framed structures. The project does not include multi-story building and all buildings will have required fire protection systems. Phase 2 of the Project no longer involves 40B housing which would have imposed a far greater demand on community resources.

DECISION:

Considering all documents received and testimony given concerning the Project, the Planning Board finds that the requested special permit and site plan approval may be granted because the proposed uses are in harmony with the general purpose and intent of the Zoning By-laws, the adverse effects of the proposed Project will not outweigh its beneficial impacts to the Town or the neighborhood (in view of the particular characteristics of the Subject Property and the proposed Project in relation to the Subject Property) and the Project meets all standards set forth in Sections 108 and 1700 of the Zoning By-laws.

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TOWN OF GROVELAND

Accordingly, the Planning Board grants the special permit and grants site plan approval for the Project as shown on the Record Plans, subject to the following conditions:

General Conditions

1. 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.
2. The Project shall be limited to the buildings and improvements shown on the Record Plans. No new building in Phase 2 may be constructed until all landscaping and other site improvements shown on the Record Plans have been installed and the as-built site plan showing such improvements has been submitted.
3. 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 a special 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.
4. The Applicant has proposed, and the Board hereby requires, unless the Town otherwise acts or as otherwise provided in this Decision, that the following aspects of the Project shall be private, and that the Town shall not have any legal responsibility for the operation, maintenance, repair or replacement of the same to the extent such features are located on the Subject Property. Accordingly, the Applicant shall at all times maintain in a timely manner responsibility for the following services:
 - All roadways and parking areas
 - Stormwater management facilities, including detention basins
 - Snow plowing
 - Landscaping
 - Trash removal
 - Street lighting
 - Building repair and maintenance
 - Water services as well as all above ground and in-ground structures and piping related thereto
 - All above ground or underground electrical conduits and piping (provided that nothing herein is intended to prohibit the ownership of the same by an appropriate utility)

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TOWN OF GROVELAND

5. The Applicant shall at all times use all reasonable means to minimize inconvenience (objectively defined by the Building Inspector/Zoning Enforcement Officer in consultation with the Planning Board and other Town officials) to residents in the general area. Business operations on the Subject Property shall not commence on any weekday before 6:30 a.m. and shall not continue beyond 7:00 p.m. On Saturdays business operations shall not commence before 6:30 a.m. and shall not continue beyond 7:00 p.m. Business operations on Sundays are prohibited. As used herein, "business operations" shall not include the mere presence on the Subject Property, but shall include any disruptive activity that can be seen or heard from an adjoining residential property. The intent of this provision is to fully protect the peace and quiet of the adjoining residential neighborhood during non-business hours. Signs indicating the hours of operation and fines shall be posted within each unit near the main entrance in a conspicuous location. In accordance with Section 1502 of the Zoning By-laws, the maximum allowable fine may be assessed on any person that violates the foregoing restriction on business operations. The Planning Board recommends a slightly earlier opening hour for business operations (6:30 a.m. instead of 7:00 a.m.), with the understanding that the Applicant must also obtain approval for this opening hour from the Zoning Board of Appeals. If the Zoning Board of Appeals does not grant approval for the 6:30 a.m. business operations start time then the 7:00 a.m. business operations start time shall be enforced on weekdays and Saturdays.

6. In the event of any emergency, the Applicant shall allow as a condition of this special permit access by the Town to the water lines on the Subject Property for repair purposes.

7. All invoices generated by GZA as the Board's peer reviewers during the Application stage shall be paid within twenty days of the filing of this decision with the Town Clerk, whether this Decision is appealed or not. No post-permit reviews of documents or plans shall be conducted until such invoices have been paid in full. No new building permit or certificate of occupancy shall be issued until such invoices have been paid in full.

8. No temporary or final certificate of occupancy for any new building or phase of the Project shall be issued until the infrastructure, common facilities, common improvements and landscaping (collectively, the "Site Improvements") specified in this Decision and set forth on the Record Plans are constructed and installed as shown on the Record Plans. As used in this paragraph, "new" building includes any structure erected on the Subject Property after May 15, 2015.

9. Following completion of construction for each phase of the Project, the Applicant shall provide an "as-built" site plan to the Planning Board, the Building Department and the Board of Assessors prior to the issuance of the final certificate of occupancy for any new building in the Project in accordance with applicable regulations. These plans shall also be submitted in electronic format. As used in this paragraph, "new" building includes any structure erected on the Subject Property after May 15, 2015.

10. Prior to the issuance of a Certificate of occupancy for Building B 101, the Applicant shall comply with the requirements listed in the Groveland Water and Sewer Department's letter of

TOWN OF GROVELAND
2015 JUL -9 AM 11:40
TOWN CLERK

January 7, 2015.

Conditions Pertaining to the Construction Phase of the Project

11. During construction of the Project, the Applicant shall conform to all local, state and federal laws regarding noise, vibration, dust and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience (objectively defined by the Building Inspector/Zoning Enforcement Officer in consultation with the Planning Board and other Town officials) to residents in the general area. Exterior construction of the Project shall not commence on any weekday before 7:00 a.m. and shall not continue beyond 6:00 p.m. except for certain operations such as concrete finishing and emergency repairs. Exterior construction shall not commence on Saturday before 8:00 a.m. and shall not continue beyond 5:00 p.m. with the same exceptions. The Building Inspector/Zoning Enforcement Officer may allow longer hours of construction in special circumstances, provided that such activity normally is requested in writing by the Applicant except for emergency circumstances, where oral communication shall be followed by written confirmation. There shall be no exterior construction on any Sunday or state or federal legal holiday. Hours of operation shall be enforced by the Building Inspector/Zoning Enforcement Officer.

12. During construction of the Project, the Applicant shall maintain the existing vegetated buffer areas within Wharf Lane.

13. The Applicant shall promptly pay the reasonable fees of the Board's consulting engineer (GZA) for review of the plans or documents described herein or for inspections required by this Decision during the construction phase. The need for such inspections shall be determined by the Board and the results of any inspections shall be provided to the Board in written format. The Board shall require the establishment of an escrow account to assure such payment pursuant to G.L. c.44, s. 53G, subject to replenishment. All work shall be subject to an agreed upon scope of services in advance specifying a "not to exceed" amount. Such amount shall not be exceeded without the Applicant's consent, which shall not be unreasonably withheld.

14. The Board or its agents may enter onto and view and inspect the Subject Property during regular business hours to ensure compliance with the terms of this Decision, subject to applicable safety requirements as established by the Applicant or its contractor, including signing in at the construction field office trailer.

15. Prior to the commencement of further construction of the Project, the Applicant shall submit to the Building Inspector a Construction Management Plan for the Project detailing safety precautions and delivery schedules. As used in this paragraph, "further construction" includes any building or site work conducted on the Subject Property after May 15, 2015.

16. The proposed dumpster shall be screened.

17. Handicap parking spaces shall be provided as required by the Americans with Disabilities Act (ADA) and the Massachusetts Architectural Access Board (AAB) regulations.

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TOWN OF GROVELAND

18. To the extent required by current ADA and AAB regulations, accessible ways shall be provided to each building and unit.

19. Sidewalk ramps shall be provided at the site entrance along Main Street in accordance with directions given by the Town's Road Commissioner.

20. A guardrail shall be provided at the parking spaces adjacent to Johnson's Creek. In addition, the Applicant will comply with the wetland protection conditions imposed by the Conservation Commission as set forth in its letter permit dated June 5, 2015.

21. The type of materials or equipment to be stored in the temporary bulk storage area located within Zone II shall be indicated by written statement submitted to the Planning Board and the Building Inspector. The storage of fuel or liquid hazardous materials (except that normally contained in registered vehicles) within Zone II is prohibited.

22. Prior to issuance of a certificate of occupancy for Building B 101 the Applicant shall submit a final landscape plan including construction details and specifications for the landscaping and fencing at Wharf Lane and the screening of the bulk storage area provided along Main Street to the Planning Board for approval. Final landscape details and specifications shall include the size and type of trees to be planted, the height and style of fence to be installed, and a manufacturer's description of the screening material to be used on perimeter fencing.

Conditions Pertaining to the Post Construction Phase of the Project

23. In the event of any emergency, the Applicant shall allow as a condition of this special permit access by the Town to the water lines on the Subject Property for repair purposes.

24. Storage of fuel or liquid hazardous materials within Buildings B101 and B102 is prohibited.

25. The type of materials or equipment to be stored in the temporary bulk storage area located within Zone II shall be indicated by written statement submitted to the Planning Board and the Building Inspector. The storage of fuel or liquid hazardous materials (except that normally contained in registered vehicles) within Zone II is prohibited.

26. [omitted]

27. The storage and use of hazardous materials and fertilizer shall comply with all local, state and federal regulations as amended, and the recommendations presented in New England Environmental Technologies, Corp letter report of April 2, 2015.

28. The "Hazardous Material and Environmental Policy Form" shall be reviewed and updated annually as required by changes in local, state or federal regulations.

29. All lessees of unit/buildings at the site shall submit to the Applicant MSDS for materials stored on site and a signed copy of the "Hazardous Material and Environmental Policy Form". If

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TOWN OF GROVELAND

the Hazardous Material and Environmental Policy Form is amended then new signed copies of the form shall be submitted to the Applicant annually.

30. Exterior flood lighting shall be motion activated and directed downward. The requirement for motion-activated lighting does not apply to entry identification lights placed at building doorways. A representative of the Planning Board may inspect and suggest adjustments to lighting at the Subject Property.

31. Washing or maintenance of boats or vessels on the site is prohibited.

32. A list of hazardous materials with maximum quantities shall be prepared by the Applicant or current owner on an annual basis and submitted to the Groveland, Planning Board, Water and Sewer Department, Fire Department and Board of Health.

33. The Applicant or subsequent owners of the site shall comply with all applicable Town, State and Federal legal requirements governing the cleanup of pollutants or hazardous materials, if any, that may be released from the Subject Property to the environment and may thereby enter Johnson's Creek or the Merrimack River.


34. This decision shall run with the land and be binding on successors in title that own the Subject Property.

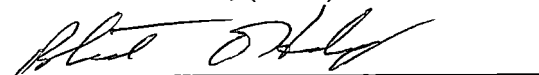
35. All other Town of Groveland By-Laws not mentioned in this Decision that are applicable to the Project or Subject Property shall be adhered to. Any violation of other Town By-Laws shall be considered a violation of this Decision.

36. Any occupant of the Subject Property that violates the terms and conditions of this Decision shall be subject to appropriate enforcement action, including the imposition of maximum daily fines, the issuance of cease and desist orders, and the revocation of occupancy rights, all in accordance with applicable provisions of the Town's Zoning By-Laws and the Massachusetts Zoning Act.

RECORD OF VOTE

The following members of the Planning Board vote to approve the Project, grant the requested special permit for the Project and to grant site plan approval for the Project, subject to the above-stated conditions:


Walter Sorenson, (Chair) Member


Robert O'Hanley, Member

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TOWN OF GROVELAND

James M. Freer
James Freer, Member

Robert Arakelian
Robert Arakelian, Member

Date: July 7, 2015

The following members of the Planning Board are in opposition to the grant of the requested special permits for the Project and the grant of site plan approval for the Project:

Any person aggrieved by this decision shall be entitled to appeal therefrom to a court of competent jurisdiction within twenty (20) days following the Planning Board's filing of this decision with the Town Clerk pursuant to General Laws, Chapter 40A, Section 17.

July 9 2015
Filed with the Town Clerk of Groveland

Anne Buddie
Town Clerk

Copy of Decision Mailed to:

A1169265.1

TOWN OF GROVELAND
2015 JUL -9 AM 11:41
TOWN CLERK
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TOWN OF GROVELAND
Notice of Appeal or Not
for Decision Made by Groveland Planning Board



Office of the Town Clerk
183 Main Street
Groveland, Mass
Tel-469-5005
Anne Brodie

I hereby copy of a decision of the Groveland Planning Board of the TOWN OF GROVELAND related to the application of:

Eric Harper
Applicant's Name

441 Main St.

Applicant's Street Address

File Number


Was filed in this office on: July 9, 2015 and that no notice of appeal was filed.

Attest: Anne Brodie
Anne Brodie

Date: July 29, 2015

KB
10

4


2013042300424 Bk:32404 Pg:368
04/23/2013 01:49 DEED Pg 1/4
MASSACHUSETTS EXCISE TAX
Southern Essex District ROD
Date: 04/23/2013 01:49 PM
ID: 956685 Doc# 20130423004240
Fee: \$4,218.00 Cons: \$925,000.00

Return to: BOX 20
Martin J. Arsenault, Esq.
939 Salem Street, Suite 5
Groveland, MA 01834-1566
BOX 20

QUITCLAIM DEED

We, **Roy E. Esty and Howard T. Esty, Surviving Trustees of the Esty Realty Trust** u/d/t dated 1/24/68 and recorded in Essex South District Registry of Deeds in Book 5508, Page 432, of 18 Sylvan Street, Groveland, Essex County, Commonwealth of Massachusetts

for consideration paid in the amount of **Nine Hundred Twenty-Five Thousand and no/100 (\$925,000.00) Dollars**

grant to **Eric W. Harper, Trustee of the Esty Park Trust** u/d/t dated 4/23/13, a Trustee Certificate for which is recorded prior hereto in Essex South District Registry of Deeds in Book 32404, Page 363, of 8 Federal Way, Groveland, Essex County, Commonwealth of Massachusetts

with quitclaim covenants

PARCEL 1. A certain piece or parcel of land situated in Groveland, in the County of Essex and Commonwealth of Massachusetts, bounded and described as follows: Beginning on the Westerly side of Main Street at a point twenty-eight and twenty hundredths (28.20) feet North 12° 19' 18" West from Station 158 + 95.60 on the center line of location of the former Georgetown Branch of the Boston and Maine Railroad, now land of Eastern Massachusetts Electric Co., thence running North 74° 44' 59" West by said land of Eastern Massachusetts Electric Co., one thousand, one hundred twelve and sixty-nine hundredths (1,112.69) feet to land of Walter and Henry Pemberton; thence turning and running North 49° 45' 01" East by said last named land about forty-three (43) feet to Johnson's Creek; thence turning and running Northeasterly and Northerly by said Johnson's creek about four hundred twenty-five (425) feet to the land of Ralph A. Esty; thence turning and running South 26° 33' 18" East by said last named land two hundred thirty-seven and thirty-four hundredths (237.34) feet; thence turning and running North 67° 04' 10" East still by said last named land five hundred seventy-eight and ten hundredths (578.10) feet to land of Parker; thence turning and running South 22° 52' 23" East by said land of Parker four hundred seventy-nine and seven hundredths (479.07) feet to said Main Street; thence turning and running South 12° 19' 18" East by said Main Street one hundred fifty five and eighty hundredths (155.80) feet to the point of beginning, be all of said measurements more or less, said parcel containing about six and seven tenths (6.7) acres and being shown upon a plan marked "Land in Groveland, Mass. Boston and Maine Railroad - To Ralph A. Esty J.P. Cronin, Engr. of Design August 1946," to which reference is hereby made for a further description of the premises hereby conveyed.

Property address: 441 Main Street, Groveland, MA 01834

PARCEL 2. A certain parcel of land containing 4,990 square feet more or less, situated in said Groveland, and being a portion of the premises conveyed to one Hayman by the Boston & Maine Railroad Corporation by its deed dated November 24, 1923. Said premises are specifically described as follows: Beginning at the point in the Southwesterly side of the premises conveyed to said Hayman as above set forth at a point in said Southwesterly line 276.24 feet from the Southerly corner of the parcel conveyed to said Hayman; thence running South $67^{\circ} 4' 10''$ by land of the Boston & Maine Railroad 124.6 feet to other land now or formerly of grantor, thence running Northwesterly by said other land now or formerly of grantor 50 feet to a stake, thence Northwesterly by other land now or formerly of grantor in a line parallel with the first described line 106.8 feet to a stake, thence Southeasterly still by other land now or formerly of grantor 50 feet to land of the Boston & Maine Railroad and the point begun at.

PARCEL 3. Land and buildings thereon situated in Groveland, bounded and described as follows: Northwesterly by land now or formerly of Boston and Maine Railroad, Merrimack River and land now or formerly of Parker; Westerly by land now or formerly of Boston and Maine Railroad; Southerly by land now or formerly of Boston and Maine Railroad and Easterly by land now or formerly of Dewhirst.

PARCEL 4. An undivided one-third interest in a certain parcel of land situated in said Groveland and bounded and described as follows: Beginning by land now or formerly of Aaron Woodman, thence running Southerly seventy-two degrees, twenty-three minutes, fifty-three seconds ($72^{\circ} 23' 53''$) West by Lot number one on the Plan hereinafter referred to, to Johnson's Creek; thence by said Johnson's Creek and the Merrimack River about eight hundred ten (810) feet to said land now or formerly of Aaron Woodman; thence turning and running Southerly twenty-two degrees, fifty-three minutes, eleven seconds ($22^{\circ} 53' 11''$) East by said last mentioned land one hundred sixty-five (165) feet to the point of beginning. All of said measurements being more or less. Containing approximately two and one-half acres and being shown as Parcel number two on a Plan denominated "Land in Groveland, Mass., Boston and Maine Railroad to Alexander Hayman, E. D. Chapman Real Estate Engineer, September 1923."

PARCEL 5. The land in said Groveland, being shown as Lots #10, #11, and #12 on plan of land entitled "Plan of Land in Groveland, Mass., belonging to Peter Arakelian, Scale: 1" = 40', Aug. 20, 1965," Phillip A. Bevelacqua, Registered Land Surveyor, and recorded in Essex South District Registry of Deeds, and said lots taken together being more particularly bounded and described, according to said plan, as follows: Beginning at the Southwesterly corner thereof on Main Street, at an Essex County Stone Bound, thence running by land of Ralph A. Esty & Sons, thence North $12^{\circ} 19' 18''$ West, 74.30 feet to a point; thence running North $22^{\circ} 52' 23''$ West by said land of said Esty 537.5 feet to a point; thence running by an arc, of a circle with a radius of 45 feet, 107 feet to a point, thence turning and running Northeasterly by remaining land of the Grantor 41 feet to a point and Lot #6 as shown on said plan; thence turning and running Southeasterly by Lots #6, #7, and #8 as shown on said plan, 410 feet to a point at Main Street; thence turning and running generally Southwesterly by said Main Street 291.5 feet to Essex County Stone Bound and the point of beginning. The Grantors herein grant to the Grantee herein, Lots #10, #11, and #12 as hereinabove mentioned.

PARCEL 6. A certain triangular lot of land as shown on plan marked: "Land in Groveland, Mass. Boston and Maine Corporation – To Ralph A. Esty J. D. Batchelder Engr. of Design Scale 1" = 20' July 1965," and more particularly bounded and described as follows: Beginning at a point on the Westerly side of Main Street in Groveland, said point being North 12° 18' 50" West 109.70 feet from Station 158+ 95. 60 on center line of location of Former Georgetown Branch; thence running North 12° 18' 50" West, a distance of 74.30 feet along land of Esty to a stake and land now or formerly of Arakelian; thence turning and running South 76° 16' 06" East 20.00 feet to a point along land of Arakelian as shown on said plan; thence turning and running on a curve to the left with a radius of 455.00 feet, a distance of 68.00 feet along the Westerly side of Main Street to the Essex County Stone bound and point of beginning. Containing about 610 square feet, more or less, and meaning and intending to convey any and all property owned by the grantors or previously conveyed by deed dated December 5, 1946 and recorded in Essex South District Registry of Deeds, Book 3504, Page 548. Conveyance is hereby made subject to easements, restrictions and rights of way of record in so far as now in force and applicable.


PARCEL 7. All our right, title and interest in and to a certain parcel of land situated on the Northerly side of Main Street in Groveland situated between said Main Street and the Merrimack River and bounded and described as follows: Northerly by Johnson's Creek; Southerly by land of New England Power; Westerly by land of the Town of Groveland (Municipal Light Department), and Easterly by land of Esty and Massachusetts Electric Company. For Grantor's title see Deed referred to below and Deed of Charles B. Pemberton dated October 30, 1966 and recorded with the Essex South District Registry of Deeds in Book 6182, Page 722.

Being the same premises conveyed to Grantors by Deed of Hobart B. Esty, Roy E. Esty and Howard T. Esty dated January 24, 1968 and recorded in Book 5508, Page 437 of the Essex South District Registry of Deeds.

This is not Homestead property of Grantors.

Hobart B. Esty, original Co-Trustee, died on May 12 2005, see Death Certificate recorded in Essex South District Registry of Deeds in Book 27934, Page 326.

Witness our hands and seals this 23rd day of April, 2013.


Witness


Witness

Esty Realty Trust

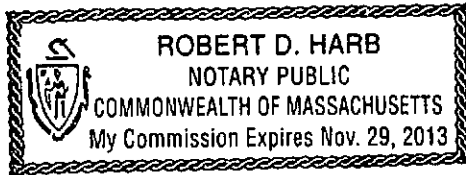
By: 
Roy E. Esty, Trustee


By: 
Howard T. Esty, Trustee

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 23rd day of April, 2013, before me, the undersigned Notary Public, personally appeared **Roy E. Esty**, Trustee of the Esty Realty Trust, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.




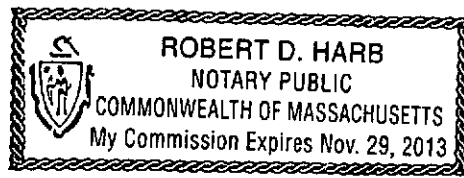

Notary Public ROBERT D. HARB
My Commission Expires: 11/29/13

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this 23rd day of April, 2013, before me, the undersigned Notary Public, personally appeared **Howard T. Esty**, Trustee of the Esty Realty Trust, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.


Notary Public ROBERT D. HARB
My Commission Expires: 11/29/13

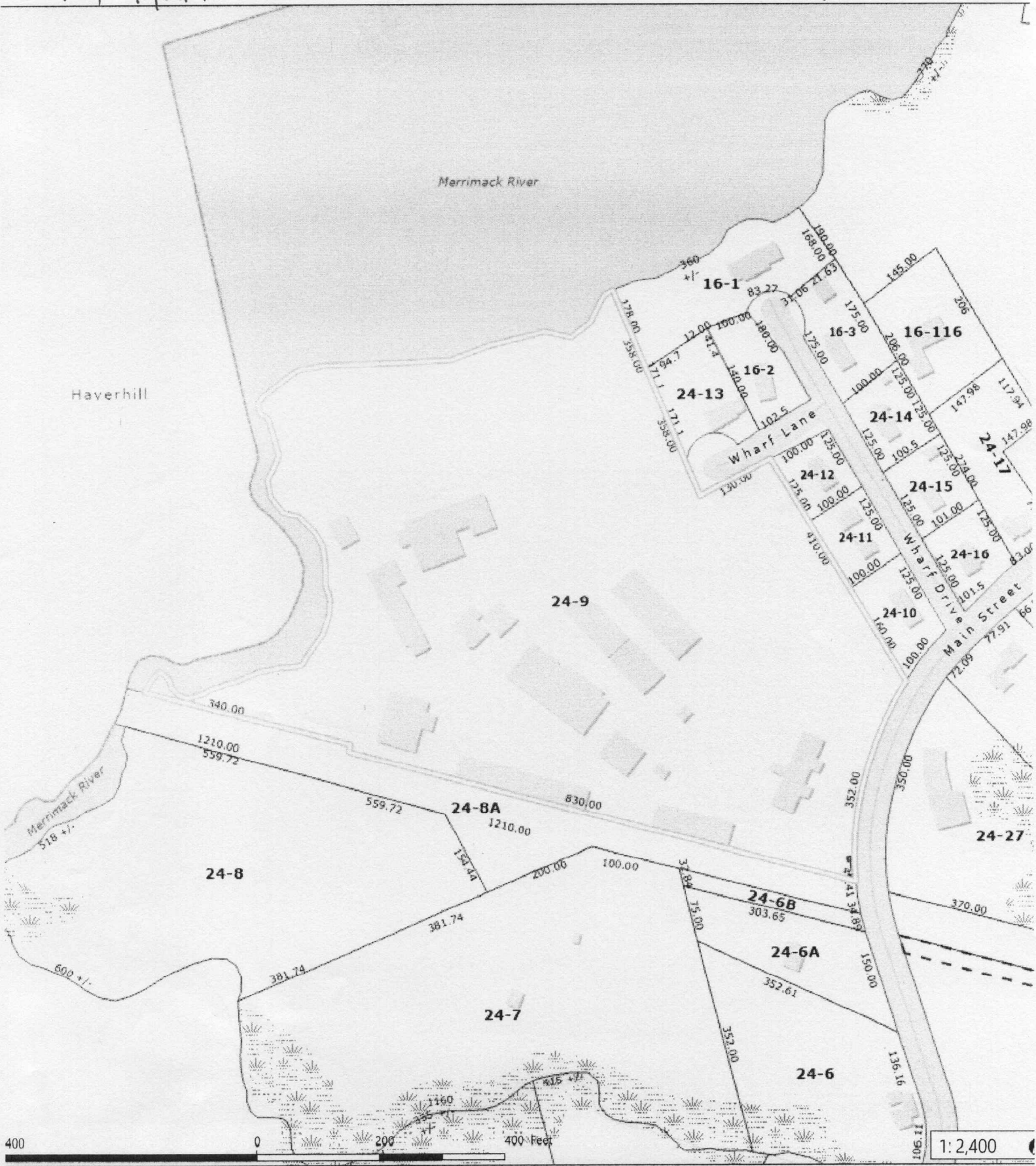


441 Main St

Town of Groveland

300 feet

03/19/202



Data Sources: Produced by Merrimack Valley Planning Commission (MVPC) using data provided by the Town of Groveland & MassGIS/MassGIS. MVPC AND THE TOWN OF GROVELAND MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE TOWN OF GROVELAND AND MVPC DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.



<input type="checkbox"/> MVPC Boundary	<input type="checkbox"/> Parcels	<input type="checkbox"/> Building Footprint	<input type="checkbox"/> Roads	<input type="checkbox"/> Interstate	<input type="checkbox"/> Major Road
<input type="checkbox"/> Local Road	<input type="checkbox"/> Easements	<input type="checkbox"/> Road Right of Way	<input type="checkbox"/> Hydrographic Features	<input type="checkbox"/> Streams	<input type="checkbox"/> Wetlands

16-001-0
SULLIVAN MELISSA A
9 WHARF DR
GROVELAND, MA 01834

16-004-A
GROVELAND HISTORICAL SOCIETY
TOWN OF GROVELAND
PO BOX 178
GROVELAND, MA 01834

24-006-0
SZALKOWSKI CRAIG
SZALKOWSKI ASHLEY
461 MAIN ST
GROVELAND, MA 01834

24-007-0
TOWN OF GROVELAND
ELECTRIC COMPANY
23 SCHOOL ST
GROVELAND, MA 01834

24-009-0
HARPER TRS ERIC W
ESTY PARK TRUST
8 FEDERAL WY
GROVELAND, MA 01834

24-012-0
DIGNAN PATRICK J
DIGNAN JEANNE M
6 WHARF DR
GROVELAND, MA 01834

24-015-0
CORSO MATTHEW
3 WHARF DRIVE
GROVELAND, MA 01834

24-022-0
MADDEN CHRISTOPHER J +
MCAVOY JANE E
426 MAIN ST
GROVELAND, MA 01834

24-041-0
TOWN OF GROVELAND
WATER DEPARTMENT
183 MAIN ST
GROVELAND, MA 01834

16-002-0
GREANEY BRIAN
8 WHARF DR
GROVELAND, MA 01834

16-004-0
TOWN OF GROVELAND
MAIN ST
GROVELAND, MA 01834

24-006-A
COMBS MARK
457 MAIN ST
GROVELAND, MA 01834

24-008-0
HARPER TRS ERIC W
ESTY PARK TRUST
8 FEDERAL WY
GROVELAND, MA 01834

24-010-0
WORKMAN DOUGLAS M
WORKMAN LINDA R
2 WHARF DR
GROVELAND, MA 01834

24-013-0
AIELLO FRANK
AIELLO JOANN
1 WHARF LN
GROVELAND, MA 01834

24-016-0
GORDON JUSTIN
1 WHARF DR
GROVELAND, MA 01834

24-026-0
GORE LIFE ESTATE JAYNE
RICH TRS DOROTHY TRS
428 MAIN ST
GROVELAND, MA 01834

42-062-0
MASSACHUSETTS ELECTRIC CO
PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451

16-003-0
SIRIOS MATTHEW C
SIRIOS AMANDA E
7 WHARF DR
GROVELAND, MA 01834

16-116-0
SHEEHAN (LF EST) SANDRA L
SHEEHAN IRV TRUST
1 RIVERSEDGE
GROVELAND, MA 01834

24-006-B
TOWN OF GROVELAND
ELECTRIC DEPT
MAIN ST
GROVELAND, MA 01834

24-008-A
MASSACHUSETTS ELECTRIC CO
PROPERTY TAX DEPT
40 SYLVAN RD
WALTHAM, MA 02451

24-011-0
GUY MATTHEW J
4 WHARF DR
GROVELAND, MA 01834

24-014-0
PAYETTE ROBERT R
PAYETTE SANDRA E
5 WHARF DR
GROVELAND, MA 01834

24-017-0
SHEEHAN SANDRA L
BERGERON JUDITH A
1 RIVERS EDGE
GROVELAND, MA 01834

24-027-0
PARKER FRED E + DEBRA J TRS
HHMMB REALTY TRUST
245 ROWLEY BRIDGE RD
TOPSFIELD, MA 01983

CERTIFIED
Board of Assessors
Groveland, MA

Unofficial Property Record Card - Groveland, MA

General Property Data

Parcel ID **24-009-0**
Prior Parcel ID **1985 --**
Property Owner **HARPER ERIC W**

Mailing Address **8 FEDERAL WY**

City **GROVELAND**
Mailing State **MA** Zip **01834**
ParcelZoning **RB**

Account Number

Property Location **441 MAIN ST**
Property Use **COM WHS**
Most Recent Sale Date **6/1/2023**
Legal Reference **41592-194**
Grantor **HARPER TRS,ERIC W**
Sale Price **1**
Land Area **13.000 acres**

Current Property Assessment

Card 1 Value	Building Value 1,033,700	Xtra Features Value 6,800	Land Value 1,774,800	Total Value 2,815,300
Total Parcel Value	Building Value 3,605,600	Xtra Features Value 18,600	Land Value 1,774,800	Total Value 5,399,000

Building Description

Building Style **OFFICE**
of Living Units **1**
Year Built **1966**
Building Grade **AVERAGE**
Building Condition **Very Good**
Finished Area (SF) **7326**
Number Rooms **2**
of 3/4 Baths **2**

Foundation Type **CONCRETE**
Frame Type **WOOD**
Roof Structure **GABLE**
Roof Cover **METAL**
Siding **VINYL**
Interior Walls **DRYWALL**
of Bedrooms **1**
of 1/2 Baths **3**

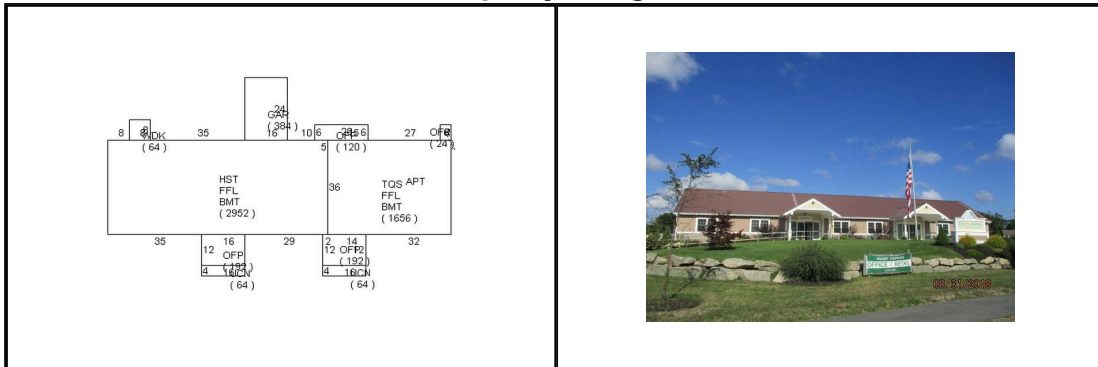
Flooring Type **LINO/VINYL**
Basement Floor **CONCRETE**
Heating Type **FORCED H/A**
Heating Fuel **GAS**
Air Conditioning **100%**
of Bsmt Garages **0**
of Full Baths **0**
of Other Fixtures **1**

Legal Description

Narrative Description of Property

This property contains 13.000 acres of land mainly classified as COM WHS with a(n) OFFICE style building, built about 1966 , having VINYL exterior and METAL roof cover, with 1 unit(s), 2 room(s), 1 bedroom(s), 0 bath(s), 3 half bath(s).

Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

Department Comments on Application 2024-6 441 Main Street (Esty Park)

GMLD – Where are they going to pull power from?

Water & Sewer -

1. Will they have water and sewer service to each unit
2. Will they be required to have Fire Protection

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

APPROVED X-X-2024

Board/Committee Name: ZONING BOARD OF APPEALS 2
Date: Tuesday, April 23, 2024 3
Time of Meeting: 6:30 PM
Location: 183 Main Street, Groveland, MA 01834

Present: John Grohol, Chris Goodwin, Jason Naves, Brad Ligols, John Stokes II

Absent:

Staff Present: Annie Schindler (Town Planner & Conservation Agent)

Public Present: Don Greaney (business abutter to 6-8 Elm Park), Rod Rivera (Manger for 6-8 Elm Park)

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

MOTION: Ligols motions to open the meeting. Grohol seconds the motion. Voting aye; Grohol, Ligols, Goodwin, Naves. The motion passes unanimously.

PUBLIC HEARING:

CONTINUED: Application #2024-5 6-8 ELM PARK – A public hearing in accordance with MGL, Chapter 40A, as amended, for the application #2024-5 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 in accordance with Section 50.4.5 (Table of Uses) of the Groveland Zoning Bylaw to operate restaurant.

Goodwin: Reads the above notice.

Rivera: I'm going to be the manager for this restaurant. We would like to open a sports bar Mexican restaurant. It would be a mother and son owning and running the business. We want to get this going because we've had the building empty for a couple of months.

Greaney: I know the last time we talked about coming back in with their lease because they don't have the required spots.

Planner: They did submit their lease for the Planning Board meeting that will discuss parking. This meeting is just for the permit for the use of the building.

Goodwin: Reads the proposed conditions, attached to these minutes. Is the Board okay with these conditions?

Grohol: Condition #1 should be changed to read a Mexican family style restaurant and sports bar.

Board: Agreed.

MOTION: Ligols motions that the Board adopt the proposed conditions. Grohol seconds the motion. Voting aye; Ligols, Goodwin, Grohol, Naves, Stokes II abstains. The motion passes.

MINUTES – Approval of the April 3, 2024, meeting minutes.

MOTION: Ligols motions to accept the April 3 meeting. Grohol seconds the motion. Voting aye; Ligols, Goodwin, Grohol, Naves, Stokes II. The motion passes unanimously in favor.

TOWN PLANNER UPDATE

Planner: The Board will be hearing the application for a Special Permit modification at 441 Main Street, Esty Park, at their next meeting on May 1, 2024. Other events of note are Town Meeting on April 29, 2024, and Local Elections on May 6, 2024.

45
46 **OTHER ITEMS NOT REASONABLE ANTICIPATED AT TIME OF POSTING**

47 *None.*

48
49 **NEXT MEETING:** May 1, 2024

50
51 **ADJOURNMENT**

52 **MOTION:** Goodwin motions to adjourn the meeting at 6:41 PM. Ligols seconds the motion. Voting aye;
53 Naves, Goodwin, Grohol, Stokes II. Voted unanimously in favor, the motion passes.

54
55 Respectfully submitted,
56 Annie Schindler, Town Planner & Conservation Agent