



Town of Groveland Zoning Board of Appeals

183 Main Street
Groveland, MA 01834

APPROVED August 21, 2019
MOTION: Chris Goodwin
made a motion to approve the
August 7, 2019 meeting
minutes as amended. Kathy
Franson-seconded the motion.
The vote was 4-0, unanimous in
favor.

Board/Committee Name: ZONING BOARD OF APPEALS
Date: WEDNESDAY, AUGUST 7, 2019
Time of Meeting: 7:30PM
Location: TOWN HALL

TOWN OF GROVELAND
2019 AUG 22 AM 9:49
TOWN CLERK
RECEIVED/POSTED

Present: Kathleen Franson, Jason Normand, Chris Goodwin, John Stokes

Absent:

Staff Present: Rebecca Oldham

Jason Normand, Chair: The Zoning Board of Appeals meeting for Wednesday, August 7, 2019 was called to order at 7:30PM.

J. Normand: Due to the application before us this evening the Town was able to apply for a Technical Assistance grant from the Massachusetts Housing Partnership to engage a qualified consultant to assist the Board in navigating and understanding a 40B permit application. The consultant selected was Paul Haverty with Blatman, Bobrowski & Haverty, LLC.

J. Normand: Read the Board Rules and Regulations, Section 5, adopted by the Board on April 14, 2018. Additionally, noted Rules of Conduct, as follows:

- All attendees are required to conduct themselves in a courteous and respectful manner.
- The public is to refrain from private conversation which interrupt the proceedings of the Board.
- An individual may not address the Board without permission of the chair.
- Each speaker will approach the podium and state their full name and address for the record and will be limited to five minutes.
- All comments are to be directed to the Board as a body and not to individual members and attendees.

PUBLIC HEARING

NEW: Application #2019-3, 4 Sewall Street, Groveland Realty Trust, LLC c/o William Daley: requests a Comprehensive Permit pursuant to the provisions of M.G.L. c.40B, §§ 20-23 and 760 CMR 56.00, to construct 192 apartment units in four (4) residential buildings, a clubhouse with related amenities, such as a pool, and associated access ways, sidewalks, parking, utilities and stormwater infrastructure located in the Industrial (I) Zoning District.

Paul Haverty, MHP Consultant for the Town: M.G.L. c.40B §§20-23 authorizes the issuance of a single, or comprehensive, local permit issued by the Zoning Board of Appeals, with exemptions from generally applicable local bylaws and regulations. The ZBA has 180 days to close the hearing and gather all the relevant information in order to issue a decision (absent extension agreement with the Applicant). The Board should review application materials for completeness, select and hire peer review consultants, and secure funds from the Applicant for placement into §53G account. The Board should also solicit comments from Town boards and department. The Board should keep an organized process and go through the process in a timely manner. I believe, after speaking with Town Counsel, that the Board will be scheduling meetings by subject matter, which is a good approach. However, my only suggestion would be to leave yourself open to flexibility in case you get through one subject matter more quickly than anticipated.



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43 J. Normand: The Board was looking to organize the hearings accordingly:

- 44 • police and fire review
- 45 • traffic review
- 46 • civil engineering review
- 47 • stormwater review
- 48 • wetlands review
- 49 • architectural review

50 We typically meet the first Wednesday of every month and if another meeting is needed the third
51 Wednesday of the month will be reserved. The intention of tonight's meeting is to open the public
52 meeting and get an overview of the project and put forth some general question by the Board. We will
53 not open public comment this evening but there will be plenty of opportunity for the public to share
54 their comments as we continue. A suggestion would be to submit comments in writing to the Board.

55 Joel Khan with Equity Alliance, Applicant's Consultant: Just to provide a quick overview of the
56 project team: Millennium Engineering is performing the civil engineering, GPI is addressing the
57 traffic, Lisa Mead is our attorney, Gate 17 is the architect and Oxbow Associates is dealing with the
58 wetlands and habitat. The Quarry at Groveland is a redevelopment of a 30+ year old quarry. The
59 quarry created a dangerous situation for the Town, with a huge cliff on the property. The proposed
60 project is an opportunity. The project is situated in the Town's industrial zone, an area that is currently
61 not serviced by sewer. There is number of single family homes within the immediate area.
62 Development of the site will preserve and protect abutting natural resources and protect certain habitat.
63 The project is to be situated on a 38.2± acre site of which approximately 14± acres are deemed
64 buildable. The project will be amenity rich with tall ceilings, abundant closets, Energy Star
65 appliances/equipment, a clubhouse that will have a management office, parcel storage, a meeting
66 room, and fitness center. Additional improvements will include limited enclosed parking, a
67 community garden, a dog park, a pool, and outside barbecues. The units will all be ADA accessible as
68 the building will be serviced by an elevator to all floors. The buildings are proposed as four story
69 residential building constructed over structured parking. All four buildings will look identical. We are
70 currently proposing a wastewater treatment plant but there is a discussion of pursuing a sewer
71 extension. 48 of the proposed units will be affordable. The affordable units will be evenly dispersed.
72 10% of those units will be 3 bedrooms, as required by state law. In the 2018 Town approved Housing
73 Production Plan the Plan specifically calls out the Quarry, referenced as site 26, as a possible location
74 for affordable housing. So the Town has already identified this locations potential. Our goal is to spend
75 time working through the issues. We are not here to pressure the Town. We recognize this process will
76 take time.

77 Kathy Franson: Obviously, I have environmental concerns and I am not an environmental expert. So I
78 reached out to the Conservation Commission Chair, Mike Dempsey, and asked him what his thoughts
79 were. He responded that it would be important to file an RDA with the Commission in order to
80 delineate the wetlands and find out whether or not they are jurisdictional.

81 William Daley, Applicant: we will file an NOI when we are at that point, because we are in the 100-
82 foot buffer. But there is no need to file now and the other permit for the quarry was closed out. The
83 same with Division of Fisheries and Wildlife. The silt fence is up now.

84 P. Haverty: If you have the data now, through your planning efforts, it might behoove you to submit
85 that information. Everything you are showing is up for grabs if the wetland line has changed.

86 K. Franson: The other question is the number of school children. Have you assembled a forecast?

87 J. Kahn: It's all about a multiplier and a formula. Which I have found is not always accurate. So we
88 have not put together a forecast at this time.

89 K. Franson: How will the affordability selection work?



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P. Haverty: Affirmative Fair Housing requirements apply. All AFHMP plans must, at a minimum, meet the standards set forth by the DHCD. In the case of 40B projects the AFHMP must be approved by the Subsidizing Agency. The project owner is responsible for resident selection, including drafting the resident selection plan, marketing, administering the initial lottery process, and determining the qualification of potential tenants. The project owner will most likely contract for such services, utilizing a contractor with the appropriate experience and qualifications. All resident selections will be by lottery. If a municipality wishes to implement a local selection preference, it must demonstrate the need for the local preference. For instance, a community that has a subsidized rental housing or public housing waiting list with local applicants. Local preference would be afforded to current residents, municipal employees or households with children attending the local schools. Local preference only applies to the initial occupancy of the units. Additionally, the project owner will be responsible for updating the Plan every year and confirming that residents are still income eligible. If a resident becomes ineligible, then the unit they occupy will become market rate and another unit in the complex will become the affordable unit.

K. Franson: I would like to get the major comments from the Town in the Project Eligibility Letter on record:

- The Municipality noted that the site plan lacks a secondary or emergency access, resulting in impacts to public safety due to limited access for public safety vehicles.
- The Municipality is concerned with the significant upgrades required on Sewell Street to accommodate the proposed development.
- The Municipality noted the need for improved pedestrian access into and out from the Site and a pedestrian connection to adjacent streets and sidewalks.
- The Municipality is concerned that the Project would result in increased traffic volume and congestion on Salem Street and Route 97. The Municipality was also concerned with public safety impacts due to the close proximity of the Site to A.W. Chesterton Company, which employs approximately 600 employees, particularly during peak traffic hours.
- The Municipality expressed concern about the Applicant's failure to provide a looped water system plan that could provide reliable water supply for public safety needs, incorporate appropriate redundancy and provide adequate pressure during emergencies.
- The Municipality is concerned that the proposed Project is located among town and stateowned properties that protect endangered species habitat, contain large fish and game reserve, and provide passive recreation and trails for public use.
- The Municipality believes the proposed Project would adversely impact biological diversity and existing natural resources through excessive regrading of the Site.
- The Municipality is concerned that the existing topography of the Site will create significant construction related challenges including grading, stormwater management and groundwater impacts.
- The Municipality has expressed concern with the Project's compliance with eligibility requirements such as site control pursuant to 760 CMR 56.04(1)(c).

J. Normand: My other concern is the massing. Could you provide a massing diagram? A three dimensional rendering to show the height and the size of the building in relation to the street.

J. Kahn: We will work with our team to provide that information to you.

BOARD: The only Peer Review qualifications we currently have are from one of the firms the Planning Board uses. The other three consultants have not returned our inquiry. We wanted to make sure they had the qualifications and capacity before making a decision. We will reach out to additional



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135 firms for qualifications among the multiple disciplines needed for review and make a decision at the
136 next meeting.

137 K. Franson: I would also like to schedule a site visit.

138 **BOARD**: Discussed the potential for the public to attend. The Applicant expressed concern with
139 opening the site walk up to the public, as it is an active site and there are safety and liability concerns.
140 The Board agreed that the site visit would be for the board members only. There will be no
141 deliberation at the site visit. Discussed schedules and confirmed the site visit for Tuesday, August 20th
142 at 6:30PM.

143 J. Normand: Tonight provided an overview. The next meeting, we will have the Police Chief and
144 interim Fire Chief present to discuss safety and emergency concerns associated with the project. We
145 will also select the peer review consultant(s).

146 **MOTION**: Kathy Franson motioned to CONTINUE the public hearing for Application 2019-3, 4
147 Sewall Street until August 21, 2019. Chris Goodwin seconded the motion. The vote was 4-0,
148 unanimous in favor.

149 MINUTES APPROVAL

150 **MOTION**: Kathy Franson made a motion to approve the July 10, 2019 meeting minutes as drafted.
151 John Stokes seconded the motion. The vote was 4-0, unanimous in favor.

152 OPEN DISCUSSION

153 J. Normand: About the wetlands peer review, does Conservation have a peer review consultant they
154 use for their projects?

155 Zoning Administrator: They do have a consultant they typically use, I believe the firm is Williams and
156 Sparages. I can speak with the Conservation Agent tomorrow and get contact information and see if
157 the firm would like to submit qualifications for review.

158 **BOARD**: Discussed the pending reorganization for the Fire Department and stressed the need to have
159 the interim Fire Chief present at the next meeting. Especially, since he had reviewed the 40B project in
160 the interim planning phase.

161 J. Normand: Are there any other upcoming applications? I am worried about scheduling.

162 Zoning Administrator: There are currently no other applications pending. However, I know of two
163 upcoming projects that will require filing and will presumably be submitted in October/November.

164 **BOARD**: We can have those projects scheduled in the beginning of the meetings since they will
165 require less time. They would still need to file before the 10th of the month, when they do file, so we
166 will have time to discuss scheduling at that time.

167 ADJOURNMENT

168 **MOTION**: Kathy Franson made a motion to adjourn the meeting. The motion was seconded by Chris
169 Goodwin. The vote was 4-0, unanimous in favor. Meeting adjourned at 9:02PM.