



Town of Groveland Zoning Board of Appeals

183 Main Street
Groveland, MA 01834

APPROVED May 6, 2020
MOTION: Kathy Franson made a motion to approve the April 15, 2020 meeting minutes as drafted. Chris Goodwin seconded the motion. A roll call vote was taken. Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.

1

Board/Committee Name: ZONING BOARD OF APPEALS
Date: WEDNESDAY, APRIL 15, 2020
Time of Meeting: 7:30PM
Location: REMOTE MEETING VIA ZOOM VIDEO CONFERENCE

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

3 Absent:

4 Staff Present: Rebecca Oldham

5 Applicant: Dena and Steve Dehullu, Dehullu Homes; Phil Parry, attorney; William Holt, Project
6 Manager

7

8 Jason Normand, Chair: The Zoning Board of Appeals meeting for Wednesday, April 15, 2020 was
9 called to order at 7:49PM. As a preliminary matter, this is Jason Normand, the Chair. Permit me to
10 confirm that all members and persons anticipated on the agenda are present and can hear me.

11 Members, when I call your name, please respond in the affirmative.

12 Kathleen Franson

13 *Here*

14 Christopher Goodwin

15 *Here*

16 John Stokes

17 *Here*

18 J. Normand: Staff, when I call your name, please respond in the affirmative.

19 Rebecca Oldham

20 *Here*

21 J. Normand: Anticipated Speakers on the Agenda, please respond in the affirmative.

22 Dena and Steve Dehullu with Dehullu Homes. Also on this call are Phil Parry our attorney and
23 William Holt, Project Manager.

24 J. Normand: This Open Meeting of the Groveland Zoning Board of Appeals is being conducted
25 remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current
26 State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus."
27 In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by
28 the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the
29 requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location.
30 Further, all members of public bodies are allowed and encouraged to participate remotely. For this
31 meeting, the Groveland Zoning Board of Appeals is convening by video conference via Zoom as
32 posted on the Town's Website identifying how the public may join. Please note that this meeting is
33 being recorded, and that some attendees are participating by video conference. Accordingly, please be
34 aware that other folks may be able to see you, and that take care not to "screen share" your computer.
35 Anything that you broadcast may be captured by the recording. All supporting materials that have been
36 provided members of this body are available on the Town's website. We are now turning to the first
37 item on the agenda. Before we do so, permit me to cover some ground rules for effective and clear
38 conduct of our business and to ensure accurate meeting minutes. I/the Chair, will introduce each
39 speaker on the agenda. After they conclude their remarks, the Chair will go down the line of
40 Members, inviting each by name to provide any comment, questions, or motions. Please hold until
41 your name is called. Further, please remember to mute your phone or computer when you are not



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42 speaking; please remember to speak clearly and in a way that helps generate accurate minutes. Finally,
43 each vote taken in this meeting will be conducted by roll call vote.
44

45 PUBLIC HEARING

46 **CONTINUED:** Application #2020-2, 733 Salem Street, Dehullu Homes: requesting a variance from
47 the required frontage under the Table of Density and Dimensional Regulations in Section 8.1. The site
48 is located in the Residential 1 (R-1) and Residential 2 (R-2) Zoning Districts at 733 Salem Street
49 Groveland, MA 01834. (Assessors Map 39, Parcel 68 – proposed subdivision lot 68G). Application
50 materials can be found at [https://www.grovelandma.com/zoning-board-appeals/pages/2020-2-733-](https://www.grovelandma.com/zoning-board-appeals/pages/2020-2-733-salem-street)
51 [salem-street](https://www.grovelandma.com/zoning-board-appeals/pages/2020-2-733-salem-street).

52 **MOTION:** Jason Normand motioned to OPEN the public hearing for Application 2020-2, 733 Salem
53 Street. Chris Goodwin seconded the motion. A roll call vote was taken. Voting aye: Chris Goodwin,
54 aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.

55 Phil Parry, attorney for Dehullu Homes: The applicant seeks relief from having to access the lot from
56 its legal frontage on Maple Meadow Lane. The construction of said approved roadway was waived by
57 the Planning Board during the Definitive Subdivision process, and access to the lot from other than its
58 frontage was granted during that same process. The full buildout of Maple Meadow Lane could
59 support two conforming building lots, however, with the support of the Conservation Commission and
60 the Planning Board the applicant agrees to forfeit the second lot allowing access from Oakland
61 Terrace.

62 J. Normand: Are there any public comments that the office has received?

63 Town Planner: There is an abutter, Nancy Sweetser, who does not have access to a computer and
64 wanted to participate. I don't want to speak on her behalf but it is my understanding she did not want
65 to submit any comment in writing but be able to respond directly to the arguments the Applicant was
66 making, as she feels she would be able to react to the project as being presented.

67 **BOARD:** She does have the ability to appeal and if there are no comments she would like to submit in
68 writing and has been provided the plans, etc. than it will be at the Applicant's risk to proceed.

69 Dena Dehullu: We accept that risk as no new information has been presented and Nancy has been
70 involved with the process and attended the meetings for the Planning Board and the Conservation
71 Commission.
72

73 Public Comment

74 **Mike Dempsey, Chair of the Conservation Commission:** The old plan was going to impact the
75 environment and resource areas and impact 4 homes along Washington street. The Conservation
76 Commission did a site walk with the neighbors and looked at what was proposed. After hearing from
77 the wetland scientist about making the impact less and hearing from the neighbors we were convinced
78 that the additional house was not a good idea. The Conservation Commission went back and asked the
79 Applicant to see if they could adjust their design. They are only building three new houses instead of
80 four and instead of impacting the back acreage they are actually protecting 3.5 acres. Therefore, the
81 Conservation Commission approved that plan. We did not know about the frontage requirement. That
82 being said, I am not sure if anything different could have been done. This is the case that an exception
83 needs to be made because there is a direct town benefit and benefit to the neighborhood.

84 **Steve Brown, 32 Benjamin Street:** What authority does the ZBA have to grant a variance? What are
85 the requirements?

86 J. Normand: The law reads: [T]hat owing to circumstances relating to the soil conditions, shape, or
87 topography of such land or structures and especially affecting such land or structures but not affecting
88 generally the zoning district in which it is located, a literal enforcement of the provisions of the



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89 ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or
90 appellant, and that desirable relief may be granted without substantial detriment to the public good and
91 without nullifying or substantially derogating from the intent or purpose of such ordinance or by-law.
92 **Steve Brown, 32 Benjamin Street:** Well it seems a public betterment for the abutters and would
93 restrict further development of that parcel. There would be no further clearing. Is the Town going to
94 own the land?

95 **BOARD:** Uncertain as to who would own the land or if it would be restricted. But the ownership
96 would not fall under the Zoning Board jurisdiction in granting a variance for frontage.

97 **MOTION:** Kathy Franson motioned to CLOSE the public hearing for Application 2020-2, 733 Salem
98 Street. Chris Goodwin seconded the motion. A roll call vote was taken. Voting aye: Chris Goodwin,
99 aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.

100

101 Kathy Franson: My concern is remote meetings and conducting a public hearing in a remote format
102 when not everyone can participate. And not just this application, but overall. That being said, if the
103 Applicant is willing to take that risk, I don't have a problem moving forward.

104 Dena Dehullu: We accept the risk.

105 **MOTION:** Chris Goodwin made a motion to approve the request for a variance from the required
106 frontage under the Table of Density and Dimensional Regulations in Section 8.1 for Application 2020-
107 2, 733 Salem Street. Jason Normand seconded the motion. A roll call vote was taken. Voting aye:
108 Chris Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.

109 **BOARD:** Town Planner to describe the appeal process.

110 Town Planner: The state Legislature has passed municipal relief legislation which includes providing
111 temporary extensions of certain statutory and regulatory deadlines for permitting boards to act. There
112 may also be some implications to the appeal process. So I suggest we try and abide as closely as we
113 can to the standard procedure of approving the decision within 100 days of filing, timestamping the
114 decision with the Town Clerk and then beginning the 20-day appeal process. I can have the decision
115 ready for the Board to approve to form at the May 6th meeting.

116

117 **MEETING MINUTES:** Approval of March 4, 2020 meeting minutes. Approval of March 19, 2020
118 meeting minutes. Approval of the April 1, 2020 minutes.

119 **MOTION:** Jason Normand made a motion to approve the March 4, 2020 meeting minutes as drafted.
120 Chris Goodwin seconded the motion. A roll call vote was taken. Voting aye: Chris Goodwin, aye.
121 Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.

122 **MOTION:** Chris Goodwin made a motion to approve the March 19, 2020 meeting minutes as drafted
123 and amended. John Stokes seconded the motion. A roll call vote was taken. Voting aye: Chris
124 Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.

125 **MOTION:** Jason Normand made a motion to approve the April 1, 2020 meeting minutes as drafted
126 and amended. Kathy Franson seconded the motion. A roll call vote was taken. Voting aye: Chris
127 Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.

128

129 **INVOICES:** Approval of outstanding invoices.

130 **MOTION:** Jason Normand made a motion to approve invoice number 16548 for TEC civil review of
131 application 2019-3 for \$4,768.38 dated March 31, 2020. Kathy Franson seconded the motion. A roll
132 call vote was taken. Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason
133 Normand, aye. Motion approved.

134



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135 Town Planner: Please note that we have no upcoming applications and the only outstanding matter is
136 application 2019-3 4 Sewall Street. The meeting was to be continued to May 6th. The Applicant seems
137 amenable to extending that meeting further in order to ensure proper public participation and continue
138 the communication with the Board. So at the May 6th meeting we will need to continue that application
139 to a later date. I will work with the Applicant and his team and keep the Board informed.
140

141 ADJOURNMENT

142 **MOTION:** Kathy Franson made a motion to adjourn the meeting. The motion was seconded by Chris
143 Goodwin. A roll call vote was taken. Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John
144 Stokes, aye. Jason Normand, aye. Motion approved. Meeting adjourned at 8:42PM.