



Town of Groveland Zoning Board of Appeals

183 Main Street
Groveland, MA 01834

APPROVED August 19, 2020
MOTION: Kathy Franson made a motion to approve the July 1, 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.

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Board/Committee Name: ZONING BOARD OF APPEALS
Date: WEDNESDAY, JULY 1, 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: Matthew Guy

4 Staff Present: Rebecca Oldham; Amy Kwesell, KP Law, Town Counsel; Paul Haverty with Blatman,
5 Bobrowski & Haverty, LLC, MHP Consultant

6
7 Jason Normand, Chair: The Zoning Board of Appeals meeting for Wednesday, July 1, 2020 was called
8 to order at 7:37PM. As a preliminary matter, this is Jason Normand, the Chair. Permit me to confirm
9 that all members are present and can hear me. Members, when I call your name, please respond in the
10 affirmative.

11 Kathleen Franson

12 *Here*

13 Christopher Goodwin

14 *Here*

15 John Stokes

16 *Here*

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

18 Rebecca Oldham

19 *Here*

20 Amy Kwesell

21 *Here*

22 Paul Haverty

23 *Here*

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

51 **MOTION:** Chris Goodwin motioned to OPEN the continued public hearing for Application 2019-3, 4
52 Sewall Street. Kathy Franson seconded the motion. A roll call vote was taken. Voting aye: Chris
53 Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.

54 Joel Kahn with Equity Alliance: Tonight, we thought we might address conservation issues. We will
55 be filing a Notice of Intent (NOI) with the Groveland Conservation Commission. So, we have two
56 members of our team on the call tonight, Chip Nylen and Brian Butler who will speak to those issues.

57 Chip Nylen with Lynch, DeSimone & Nylen, LLP: The comments from Conservation are a little pre-
58 mature because they will be addressed during the NOI and they can make these conditions in their
59 Order of Conditions. The letter also references monitoring. We see that type of condition when there is
60 a replication but this is a buffer zone project and would not warrant much monitoring. But we will be
61 before Conservation and we can address these issues during that process.

62 Kathy Franson: I was hoping the Conservation Commission Chair would be present this evening but I
63 have been informed that he has a conflict. Is that really true? Do we need to address these items as part
64 of the decision or can this be kicked over to Conservation to address? Or is it a condition of some sort?

65 Amy Kwesell, Town Counsel: I was hoping Mike would be here because I also have a few questions. I
66 am confused about the wetlands delineation on riverfront. Where does that stand right now?

67 C. Nylen: The streambed is interesting because it is intermittent in some segments and perineal in
68 others and this is a small watershed. We show stats down the stream where the watershed usually
69 enlarges as it travels and we have 8 days with no flow at all and DEP said that was not adequate and
70 we need those conditions on the property.

71 A. Kwesell: We do not know where the jurisdiction for the Conservation lies. So, with regards to the
72 40B permit before the ZBA, you are being asked to step into the shoes of the Commission in terms of
73 the local bylaw. I would agree that anything under the Wetlands Protection Act will be dealt with
74 under the Conservation Commission. If the design changes and a structure is within 100 feet, it would
75 require a modification and start this process all over again. We have this letter from the Conservation
76 Commission which is helpful. Some of the letter has to with the Wetlands Protection Act which is not
77 in the jurisdiction of the ZBA. The ZBA can only focus on the local bylaw. How about the amount of
78 fill?

79 Brian Butler with Oxbo: Very little of the fill is in the buffer zone. There is grading which could be in
80 the buffer zone but that is it. The filling and the raising of the grades is set off a considerable margin
81 from the resource area.

82 A. Kwesell: Third paragraph they had asked total contamination.

83 C. Nylen: Testing is taking place and the ACO has every load tested at the source and periodically
84 from the site. Essentially, since we are bringing in materials that is equivalent to urban fill you enter
85 into and Administrative Consent Order (ACO) with DEP to regulate that fill. It protects the town, the
86 site, the developer and so on. The intention is to ensure there is no hazardous material brought onto the
87 site.



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- 88 A. Kwesell: It appears from the letter from the Conservation Commission that they are not satisfied
89 with the wildlife management plan proposed. Are there any comments on that?
90 C. Nysten: I did appear before the Conservation Commission and they agreed to take a large portion of
91 the Dibiase property under their control, which contains habitat.
92 B. Bulter: The site was known to be associated with Blanding turtles. We have generated a CMP with
93 Massachusetts Natural Heritage through MEPA and we filed an ENF and project change. The permit
94 issued by DFW was to allow the filling of the Quarry and the management of habitat. A larger nesting
95 area was desired. A condition was that the environment be maintained in perpetuity. The Quarry was
96 filled as a liability. It will accomplish many things: it will get rid of urban fill, provide 12 acres of
97 impact in managed habitat being conveyed to DFW, and; it complements the wildlife in general. From
98 an ecological standpoint it is a net benefit. Essentially, the best nesting habitat requires maintenance.
99 Keeping the grass low, with no signification vegetation, etc.
100 C. Nysten: The majority of the habitat is out of the jurisdiction of the Conservation Commission since it
101 is well over 100 feet away.
102 A. Kwesell: How does that not apply?
103 B. Butler: Under 10.5.9, it only applies to active alteration of the resource area. We are creating habitat
104 out of resource area.
105 A. Kwesell: But by creating habitat the condition must replicate a resource area.
106 B. Butler: This is only for nesting.
107 **BOARD:** This conversation is moving in a technical direction and out of our area of expertise.
108 A. Kwesell: Does the ZBA want to make these conditions or leave it to the Commission.
109 **BOARD:** It makes more sense for these items to be addressed with the Conservation Commission. So
110 we should wrap up Conservation issues at the next meeting and have the Applicant address Mike's
111 letter as well as address some of the other outstand issues such as the waiver list.
112
113 **MOTION:** Jason Normand motioned to CONTINUE the public hearing for Application 2019-3, 4
114 Sewall Street until August 19, 2020. Chris Goodwin seconded the motion. A roll call vote was taken.
115 Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye.
116 Motion approved.
117
118 **MEETING MINUTES:** Approval of June 3, 2020 meeting minutes.
119 **MOTION:** Chris Goodwin made a motion to approve the June 3, 2020 meeting minutes as drafted and
120 amended. Kathy Franson seconded the motion. A roll call vote was taken. Voting aye: Chris
121 Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.
122
123 **ADJOURNMENT**
124 **MOTION:** Kathy Franson made a motion to adjourn the meeting. The motion was seconded by Chris
125 Goodwin. A roll call vote was taken. Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John
126 Stokes, aye. Jason Normand, aye. Motion approved. Meeting adjourned at 9:21PM.