

Town of Groveland Zoning Board of Appeals

183 Main Street
Groveland, MA 01834



Jason Normand, Chair
Kathleen Franson, Vice Chair
John Stokes
Christopher Goodwin
Matthew Guy

APPROVED on October 7, 2020
MOTION: Kathleen Franson made a motion to approve the September 16, 2020 meeting minutes as drafted. Jason Normand 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.

Board/Committee Name: ZONING BOARD OF APPEALS
Date: WEDNESDAY, SEPTEMBER 16, 2020
Time of Meeting: 7:30PM
Location: REMOTE MEETING VIA ZOOM VIDEO CONFERENCE

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

Absent: Matthew Guy

Staff Present: Rebecca Oldham; Paul Haverty with Blatman, Bobrowski & Haverty, LLC, MHP
Consultant

Jason Normand, Chairman: The Planning Board meeting for Tuesday, September 16, 2020 was called to order at 7:37PM.

Jason Normand, Chair: This Open Meeting of the Groveland Zoning Board of Appeals is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus." In order to mitigate the transmission of the COVID-19 Virus, we have been advised and directed by the Commonwealth to suspend public gatherings, and as such, the Governor's Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible physical location. Further, all members of public bodies are allowed and encouraged to participate remotely. For this meeting, the Groveland Board of Appeals is convening by video conference via Zoom as posted on the Town's Website identifying how the public may join. Please note that this meeting is being recorded, and that some attendees are participating by video conference.

PUBLIC HEARING

CONTINUED: 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 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.

MOTION: Kathy Franson motioned to OPEN the continued public hearing for Application 2019-3, 4 Sewall Street. 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.

Joel Kahn with Equity Alliance: I would like to see if the Board would allow us to have Chip present our letter and the homework given to us from the last meeting and discuss the conditions and the primary concerns of the Conservation Commission.

Chip Nylen with Lynch, DeSimone & Nylen, LLP: We originally thought these items should be addressed under the NOI process but we heard the ZBA loud and clear and we put together our letter with those prominent concerns discussed last meeting. It is important to note, that of the 39 acres under the Applicant's control will be conveyed as open space, about 20 acres for the protection of endangered species habitat and upland.

J. Normand: In Mike's letter, condition number 2, there are no building structures in the buffer zone.

J. Kahn: That is correct.

Michael Dempsey, Conservation Commission Chair: At the last meeting you asked me to come up with potential conditions that we would not be able to address under the Wetlands Protection Acts.

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These were not addressed with the Conservation Commission but these are conditions we have placed on other projects similar in nature.

J. Normand: The next three comments are in regards to the ongoing maintenance. I don't expect that to be problematic.

BOARD: Condition 3 and 4. Add snow to condition number 3. Item 4 needs to extend through the site under the Aquifer Protection District.

M. Dempsey: I think the differentiation on number 5 is in placement. Go through the plans and show where the markers can go within 100 feet and where they can be as close as possible to that 100-foot buffer.

C. Nysten: My only concern is the process we are being asked to go through. If we go and put them in a plan and then bring them back, we will be here for months.

W. Daley: To move out of the 100 foot, everything would have to be redesigned. To the beginning of the property up to the DFW land we have the markers.

M. Dempsey: I'll concede on that point.

J. Kahn: So on number 6 we felt as though we would want the signage at the habitat and not at the entrance of the property. At the entrance it is just more inviting to unwanted visitors. It defeats the protection of the habitat.

C. Nysten: We differ on number 7 because they have asked that erosion control be placed on the 75-foot buffer but we have proposed that it depend upon the rate of water that could be entering the area. In some areas it might be 75 in other 15 or 25. We think it should be site specific.

W. Daley: They are going on the 25-foot buffer line mostly, which is in line with the OOC we were originally issued. I like the 25 foot because they are safer that way.

BOARD: We will require a condition concerning erosion control.

M. Dempsey: I am fine with the Applicant's language.

BOARD: Number 8 aligns with both the Applicant and Conservation.

C. Nysten: On number 9, you cannot alter a wetlands resource area with our work. So we do not agree with the language. We can remove the first sentence.

BOARD: In number 10 the only difference is "without prior notice" and the Applicant states "reasonable notice." It is an issue in terms of insurance and safety. So there should be notice, such as 24 hours.

M. Dempsey: I want 2 hours.

Paul Haverty with Blatman, Bobrowski & Haverty, LLC, MHP Consultant: It is important to note that in these conditions that we are imposing the ZBA is still the enforcement authority, not the Conservation Commission. Just as the ZBA is the comprehensive permit granting authority on behalf of all local statutes. That does not change during construction.

J. Kahn: We disagree based on the seasonal restriction. We need to work to create the habitat during those months. We are not going to go back and ask the Conservation Commission for waivers after the fact. On the next item concerning performance bond, we believe \$20,000 is excessive.

P. Haverty: We usually have overall bonding requirements not specific to tasks in the decisions we draft.

Kathy Franson: I would say that in an emergency case there is a need for monies up front. You both have offered an amount, so let's meet in the middle.

J. Kahn: Let's agree to \$10,000.

M. Dempsey: Agreed. Under 16 and 17 if the 8 acres has a restriction and it is not owned by a state agency than Natural Heritage requires certain costly items for that conservation restriction, such as a long term habitat plan and ongoing maintenance.

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Jay Talerman with Mead Talerman and Costa: We have to cover those costs under the conservation restriction.

M. Dempsey: The concern is that the Town would have to cover the cost. I don't see any harm with having the language in there.

C. Nylen: Number 18 is pretty standard language and not necessary in this 40B decision.

P. Haverty: I want to clarify, there is a local order of condition being issued here under the jurisdiction of the ZBA, as the comprehensive permit granting authority.

BOARD: Agreed to standard language as addressed in items 20 through 26.

M. Dempsey: Some other items came up and I will try and organize them. They are not exactly Conservation Commission items.

BOARD: At the next meeting we will begin to go through the drafted decision and come up with our conditions.

P. Haverty: We also need to provide direction as to which project we are considering. There was a proposal for 192 units and 148 units.

J. Kahn: The Town has not met its 40B requirements. This site was also designated under the Housing Production Plan as a site for affordable housing. There is a need for this housing as an alternative source of housing options. Plus, this would also be a benefit for the Town through the sewer extension.

P. Haverty: I'm not sure what the impact is if there is not going to be a connection to the municipal sewer system. We did not spend any time reviewing the onsite septic system and there was very limited discussion on this matter and the impact on the design. My concern is that if we issue a decision that mandates a sewer connection and then there is not a connection then there would need to be a modification. So I want to be sure that is something the Board considers.

BOARD: Paul could have a draft a week before the October 7th meeting date. At this meeting we can discuss some of the conditions and the number of units.

MOTION: Jason Normand motioned to CONTINUE the public hearing for Application 2019-3, 4 Sewall Street until October 7, 2020. 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.

MEETING MINUTES: Approval of August 19, 2020 meeting minutes.

MOTION: Kathleen Franson made a motion to approve the August 19, 2020 meeting minutes as amended. Jason Normand 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.

ADJOURNMENT

MOTION: Kathy Franson made a motion to adjourn the meeting. The motion was seconded by Chris Goodwin. A roll call vote was taken. Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved. Meeting adjourned at 10:06PM.