

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

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

APPROVED on October 21, 2020
MOTION: Kathleen Franson made a motion to approve the October 7, 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.

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

3 Absent: Matthew Guy

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

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7 Jason Normand, Chairman: The Planning Board meeting for Tuesday, October 7, 2020 was called to
8 order at 7:38PM.

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

20 21 PUBLIC HEARING

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

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

30 J. Normand: Read Michael Dempsey's letter submitted as a resident and not in any official capacity.
31 *See letter dated October 2, 2020.*

32 Jay Talerman with Talerman, Mead and Costa: We obviously want to protect the water and will take
33 ever measure necessary in order to do so. However, the condition as proposed is outside of your
34 jurisdiction. Bill does have a state ACO and it does have a monitoring requirement. The second
35 condition. No other project would be subject to a condition of this nature. These things go through
36 massive review and oversight.

37 Chip Nysten with Lynch, Desimone & Nysten, LLP: We have been involved with this process for a long
38 time, even before the 40B process started. The purpose of the Soil Policy is to only take in soil that is
39 not hazardous. We entered into an ACO with DEP that protects the source providing the soil and that
40 protect that property and the property owner. The ACO sets out the process and a series of conditions.
41 The Town was notified through the MEPA process and then a letter sent specifically to the Board of

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42 Selectmen. There is testing at the source level and then testing when it comes to us and then spot
43 sampling and then all of that facts go back and forth between the source the owner and the state. There
44 is no permit required by the town to bring this soil into the property and therefore we do not believe it
45 falls under the ZBA jurisdiction. We amended the ACO for additional area that was acquired and it has
46 nothing to do with the 40B development. We have worked with the appropriate parties and we will
47 continue to follow what is required.

48 Paul Haverty with Blatman, Bobrowski & Haverty, LLC, MHP Consultant: If there was a claim that
49 this violated the bylaws than this would be relevant in terms of inclusion under the ZBA authority. But
50 absent from the request of any relief under the local bylaw there is no authority to support it.

51 **Michael Dempsey:** A portion of the property is in the Aquifer Protection District. So they are asking
52 for those waivers under such.

53 Kathleen Franson: When does the monitoring begin?

54 William Daley: When the filling is complete.

55 K. Franson: When would that happen?

56 W. Daley: Pending conditions, the next year or two. I am required to test my wells annually and I am
57 required to do so five years beyond the completion.

58 **BOARD:** Next steps and reviewing the drafted decisions.

59 Section 1 - Item 6 - Should be revised to 144 units not 148.

60 Section 2 – Counsel addresses the safe harbor provisions.

61 Section 3 – Parking will be provided and impervious surface.

62 Item 14 – It would require a modification if they do require a wastewater treatment
63 facility.

64 Item 17 - Do we know the total number at both 192 to 144? The title sheet says
65 approximately 14.9%. In terms of the fire access around the third building, it will be
66 gravel, so it will be impervious regardless.

67 Item 18 – There is no landscaping plan. One was not submitted. There was a
68 conceptual.

69 Section 4A - Item A10 -Who maintains Nelson? If it is maintained by the business
70 owners/residents and there is need for emergency access, who is maintaining it. Applicant
71 mandated to maintain that road into the site.

72 Item A7 - Applicant requests additional language in A7 to mandate the turnaround
73 time.

74 Section 4B. Item B-1 – Applicant is concerned with language in regards to the
75 regulations as to how the unit becomes affordable and the unit cannot be fixed.

76 Item B-2 – “initial” is only open to Groveland. But you cannot restrict after because
77 there is not local preference. The regulating agency will not allow that. It is ultimately
78 the subsidizing agency that will make that determination. You will be able to advocate
79 the need for the units for them to make that determination.

80 Section 4C- Should we call out the work being conducted currently? Not necessarily,
81 because it is not included in the permit.

82 Section D. Will this be a phased project? Not phased. There will be construction
83 sequencing, but it will not be broken up.

84 Section E. Item E8 –will there be gas? It is proposed if there is capacity.

85 We will end there for the evening. We will hold the next meeting on October 21st and continue with
86 the review of the decisions.

87 J. Normand: So one item I wanted to bring up with the Board is the number of units? When do we
88 want to start that conversation?

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- 89 K. Franson: I was hoping to go through the conditions first.
- 90 P. Haverty: One of the numbers I am looking for is the impervious areas for 192 vs 144. So I think that
- 91 should be taken into consideration.
- 92 J. Normand: I will agree, but the next meeting I want to know when we will be ready to discuss that. I
- 93 would like to take a vote on that on the 21st.
- 94 K. Franson: Most of my concerns are geared towards traffic. I want to make sure the area is safe. So
- 95 advanced warning, etc. I just want to make sure it is safe for the people on site and walking and make
- 96 sure we handle it the right way.
- 97 **MOTION**: Jason Normand motioned to CONTINUE the public hearing for Application 2019-3, 4
- 98 Sewall Street until October 21, 2020. Chris Goodwin seconded the motion. A roll call vote was taken.
- 99 Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye.
- 100 Motion approved.
- 101
- 102 **MEETING MINUTES**: Approval of September 16, 2020 meeting minutes.
- 103 **MOTION**: Chris Goodwin made a motion to approve the September 16, 2020 meeting minutes as
- 104 amended. Jason Normand seconded the motion. A roll call vote was taken. Voting aye: Chris
- 105 Goodwin, aye. Kathleen Franson, aye. John Stokes, aye. Jason Normand, aye. Motion approved.
- 106
- 107 **ADJOURNMENT**
- 108 **MOTION**: Kathy Franson made a motion to adjourn the meeting. The motion was seconded by Chris
- 109 Goodwin. A roll call vote was taken. Voting aye: Chris Goodwin, aye. Kathleen Franson, aye. John
- 110 Stokes, aye. Jason Normand, aye. Motion approved. Meeting adjourned at 9:26PM.