



# TOWN OF GROVELAND

## Notice of Appeal or Not Certification of Decision

Made by the Zoning Board of Appeals

TOWN OF GROVELAND  
2020 DEC 23 PM 2:46  
TOWN CLERK  
RECEIVED / REGISTER



Office of the Town Clerk  
183 Main Street  
Groveland, MA  
Elizabeth Cunniff

I, the Town Clerk of the TOWN OF GROVELAND, Massachusetts, do hereby certify that the Board of Appeals Decision on the Application of:  
**Groveland Realty Trust, LLC**

Applicant's Street Address Number	Applicant's Name Map #	Parcel	Lot #	Application
4 Sewall Street		022-0		

Was filed in this office on : December 1, 2020  
and that no notice  
Of appeal was filed during the TWENTY (20) DAYS NEXT, after that date.

Attest: Elizabeth Cunniff December 23, 2020  
Elizabeth Cunniff, Groveland Town Clerk Date:

**ORIGINAL DECISION HAS BEEN PICKED-UP BY THE APPLICANT, AND OR HIS/HER AGENT, FROM THE TOWN CLERK OF GROVELAND.**

[Signature] Date 12/23/20  
Signature of Person Receiving Document

Elizabeth Cunniff Date 12/23/2020  
Town Clerk's Signature

**TOWN OF GROVELAND**  
**Zoning Board of Appeals**  
183 Main Street  
Groveland, MA 01834

TOWN OF GROVELAND

2021 DEC -1 AM 9:27

TOWN CLERK  
RECEIVED / POSTED

**DECISION ON APPLICATION FOR COMPREHENSIVE PERMIT**  
**G.L. c. 40B, §§ 20-23**

APPLICANT: GROVELAND REALTY TRUST, LLC (“Applicant”)  
PROPERTY: 4 Sewall Street, Groveland, Massachusetts (the “Property”)  
ASSESSORS’ MAP: Map 47, Parcel 022-0  
DEVELOPMENT NAME: The Quarry at Groveland  
DATE: November 18, 2020

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**I. PROCEDURAL HISTORY**

1. An application for a Comprehensive Permit was received by the Town of Groveland Zoning Board of Appeals (“Board”) on or about July 10, 2019 (“Application”). The Application proposes the development of one hundred and ninety-two (192) rental apartment units within four (4) residential structures, located at 4 Sewall Street, Groveland, Massachusetts (“Project”).
2. The Board’s public hearing on the Application was duly opened on August 7, 2019, and was continued to August 21, 2019, September 4, 2019, October 2, 2019, November 6, 2019, November 20, 2019, January 15, 2020, February 5, 2020, March 4, 2020, March 19, 2020, May 6, 2020, June 3, 2020, July 1, 2020, August 19, 2020, September 16, 2020, October 7, 2020 and November 18, 2020. The Applicant provided several extensions of the one hundred and eighty (180) day period for the completion of the public hearing. The public hearing was closed on November 18, 2020.
3. The Project is located on the Property, which is located at 4 Sewall Street, Groveland, Massachusetts.
4. The Property is located in the Industrial (I) Zoning District. Nearby uses consist of commercial and residential uses along Salem Street, and residential uses along Uptack Avenue and Nelson Street. The Property is the site of a historic gravel pit, and contains one small existing structure.

5. The Applicant provided various materials, reports, studies, and revised plans throughout the course of the public hearing on the Application.
6. After the initial session of the public hearing, the Applicant submitted correspondence reducing the number of units in the Project from one hundred and ninety-two (192) units to one hundred and forty-four (144) units. The Board did not formally accept the Applicant's proposed reduction, and informed the Applicant that it would consider both the one hundred and ninety-two (192) unit proposal and the one hundred and forty-four (144) unit proposal during the course of the public hearing.
7. During the public hearing, the Applicant was assisted primarily by its principal William Daley, its consultant Joel Kahn of Equity Alliance, LLC, its counsel, Jason R. Talerman, Esq. and Lisa L. Mead, Esq., of Mead, Talerman & Costa, LLC, its environmental counsel Richard A. Nysten, Jr., Esq., of Lynch, Desimone & Nysten, LLP, its project engineer Brian Murray, of Millennium Engineering, Inc., its traffic engineer Heather Monticup, P.E., of Greenman-Pedersen, Inc., its architect Tim Wentz of Gate Architecture, and its environmental consultant Brian O. Butler, M.S., of Oxbow Associates, Inc.
8. The Board utilized the services of its review engineers TEC, Inc., with Peter Ellison, P.E. for review of civil engineering issues, and Samuel Gregorio for review of traffic issues, Stephanie Lopez De Veraza, AIA of Saam Architecture for architectural review. The Board also utilized the services of Town Counsel Amy Kwesell, Esq., of KP Law, and Paul Haverty, Esq., of Blatman, Bobrowski & Haverty, LLC as its Chapter 40B technical consultant through a grant from the Massachusetts Housing Partnership.
9. During the public hearing, there was significant public input. The Board heard input from abutters and other interested persons throughout the hearing process. The Board also heard significant input from town departments, including Colin Stokes, the Groveland Water and Sewer Superintendent, Fire Chief Robert Valentine, and Conservation Commission Chair Mike Dempsey.

## II. JURISDICTIONAL FINDINGS

10. The Applicant has demonstrated its eligibility to submit an application for a Comprehensive Permit to the Board, and the development fulfills the minimum project eligibility requirements set forth in 760 CMR 56.04(1) as follows:
  - a. The Applicant is a limited liability company, and has indicated in its application that it will conform to the limited dividend requirements of

G. L. 40B, §§ 20-23, thus establishing it is a limited dividend entity. The Applicant has a principal address of 7 Hemlock Lane, Groveland, MA 01834.

- b. The Applicant has received a written determination of Project Eligibility from MassHousing dated July 2, 2019 under the New England Fund Program, a copy of which was provided to the Board with the original application.
  - c. The Applicant provided a deed dated January 23, 2019, recorded in the Essex South Registry of Deeds in Book 37373, at Page 525, and a deed dated July 24, 2017, recorded in the Essex South Registry of Deeds in Book 36048, at Page 264. Thus, the Applicant has shown evidence of site control sufficient to qualify as an applicant for a Comprehensive Permit.
  - d. The Applicant has agreed to execute a Regulatory Agreement that limits its annual distributions in accordance with G. L. c. 40B and the regulations (760 CMR 56.00 et seq.) and guidelines adopted thereunder by DHCD.
11. The Town of Groveland ("Town") did not meet the statutory minima set forth in G. L. c. 40B, § 20 or 760 CMR 56.03(3) to 56.03(7) at the time the original application was filed, except as noted below:
- a. At the time of the filing of the Application, the number of low or moderate income housing units in the Town constituted 3.3% of the total year-round housing units in the Town, based on the most recent publicly available copy of the DHCD Subsidized Housing Inventory, dated September 14, 2017. Thus, the Town does not meet the ten percent (10%) statutory minimum.
  - b. The Town does not have information that there are existing affordable housing units that are on sites that comprise more than one and one half percent (1.5%) of the total land area of the Town that is zoned for residential, commercial or industrial use (excluding land owned by the United States, the Commonwealth of Massachusetts or any political subdivision thereof).
  - c. The granting of this Comprehensive Permit will not result in the commencement of construction of low or moderate income housing units on a site comprising more than three tenths of one percent of land area in the Town or ten acres, whichever is larger, zoned for residential, commercial or industrial uses (excluding land owned by the United States,

the Commonwealth of Massachusetts or any political subdivision thereof) in any one calendar year.

- d. The Town has an approved Housing Production Plan pursuant to 760 CMR 56.03(4), but is not currently within (or eligible for) certification.
- e. The Town has not achieved recent progress toward its housing unit minimum pursuant to 760 CMR 56.03(5).
- f. The Project as originally submitted constitutes a Large Project pursuant to 760 CMR 56.03(6). The Board provided written notification to the Applicant and to the Department of Housing and Community Development pursuant to 760 CMR 56.03(8) by letter dated August 22, 2019.
- g. The Applicant's Comprehensive Permit Application does not constitute a Related Application pursuant to 760 CMR 56.03(7).

### III. FACTUAL FINDINGS

#### Location of Project

- 12. The Project is located at 4 Sewell Street, Groveland, Massachusetts. The Property has frontage on Sewell Street, Nelson Street and Uptack Avenue. The Property is located within the Industrial (I) Zoning District.

#### Civil Engineering, Site Design, and Stormwater Impact

- 13. The Board engaged in review of potential civil engineering, site design, and stormwater impacts of the Project.
- 14. The Project will connect to the Groveland municipal water system and the Groveland municipal sewer system. The Applicant will require a sewer extension to handle the sewerage from the Project. Input from the Groveland Water Department was provided to ensure sufficient capacity exists to allow connection to the municipal systems.
- 15. The Applicant proposes to construct 381 parking spaces for the Project, a ratio of just under two parking spaces per unit.
- 16. On-site amenities will include recreational areas and structures as shown on the Approved Plans, referenced below.

17. Approximately 14.9% of the site will consist of impervious surface with the remainder consisting of pervious surface. The Board finds that the total amount of impervious area is acceptable.
18. The Board finds that the landscaping proposed by the Applicant, and as conditioned by this decision, is sufficient in light of the site disturbance that the Project will entail. The landscape design objective for the proposed development will be to enhance the built environment through the creation of a sustainable landscape that blends into the site's natural surroundings. The overall design will emphasize the use of low maintenance, native plantings and strive to integrate the proposed development's needs into the site's surrounding environment. The proposed landscape shall be consistent with the quantity and quality compared to other similar developments.
19. Stormwater management has been designed in compliance with the Mass Stormwater management standards in accordance with 310 CMR 10.05(6)(k) through (q) and defined in detail in the MassDEP Stormwater Management Handbook. The system incorporates BMP's to facilitate TSS removal, infiltration and detention of stormwater flows.
20. The Project, as conditioned herein, will address the lack of affordable rental units in the Town.
21. The Board heard testimony from the Applicant and the Board's traffic consultant, including the Applicant's Traffic Impact Study prepared by Greenman-Pederson, Inc., that the Project is expected to result in approximately sixty-five (65) vehicle trips during the weekday morning peak hour and approximately eighty-three (83) vehicle trips during the weekday afternoon peak hour. These figures are based upon the original proposal for one hundred and ninety-two (192) rental units.
22. During the course of the hearing, the Applicant submitted a plan showing a reduction in the number of rental units to one hundred and forty-four (144) units. The Board has focused its review of the one hundred and ninety-two (192) unit development, as any reduction in the number of units would only minimize the traffic impacts.
23. The Board finds that the conditions imposed in Section IV of this Decision are necessary in order to address Local Concerns. The Board finds that such conditions will not render the project uneconomic. To the extent that such conditions may render the project uneconomic (as defined in 760 CMR 56.02), the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.

24. The Board finds that granting certain waivers from local by-laws and regulations is acceptable even though granting waivers may have an adverse impact on Local Concerns.
25. The Board acknowledges concerns raised by abutters and other interested parties about the Project's potential incompatibility with abutting residential uses, including concerns relating to increased traffic and parking demand. The Board has addressed these concerns by the imposition of appropriate conditions. The Board further finds that conditions detailed below appropriately address these matters of local concern in a manner that outweighs the regional need for affordable housing. The Board finds that the conditions imposed below address local and regional housing needs while properly protecting valid issues of local concern.
26. The Board finds that the construction of the Project, as conditioned, will be consistent with local needs.

#### IV. CONDITIONS

##### A. **General**

- A.1 The holder of this Comprehensive Permit is Groveland Realty Trust, LLC. The Property is defined as the property located at 4 Sewell Street, Groveland, Massachusetts, shown on a plan entitled "Site Plan for Residential Complex 'The Quarry at Groveland' at Sewell Street, Groveland, MA December 2019" prepared by Millennium Engineering, Inc., with revisions through March 12, 2020. The Project is defined as all features shown on the plans listed below in Condition A.2 or as otherwise required by this Comprehensive Permit.
- A.2 Except as may be provided for in the following Conditions or in the Final Plans referenced below, the Project shall be constructed substantially in conformance with the plans and drawings listed below in this Condition A.2, which for purposes of this Comprehensive Permit shall be considered the Approved Plans for the Project ("Approved Plans"). Minor changes to the Approved Plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Zoning Administrator who shall have the authority to approve such changes as immaterial changes. If the Zoning Administrator determines that the proposed changes do not conform to the requirements of this Comprehensive Permit, he shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this Decision or seek modification in accordance with 760 CMR 56.05(11). The Approved Plans consist of the following plan set from Millennium Engineering, Inc.:

“Site Plan for Residential Complex ‘The Quarry at Groveland’ at Sewell Street, Groveland, MA December 2019” with revisions through March 12, 2020, and consisting of the following sheets:

- C-1 Cover Sheet
- C-2 Typ. Section, Legend and General Notes
- C-3 Existing Conditions Plan
- C-4 Site Plan
- C-5 Site Plan
- C-6 Site Plan
- C-7 Utility Plan
- C-8 Utility Plan
- C-9 Utility Plan
- C-10 Grading and Drainage Plan
- C-11 Grading and Drainage Plan
- C-12 Grading and Drainage Plan
- C-13 Grading and Drainage Plan
- C-14 Grading and Drainage Plan
- C-15 Pavement Marking and Signage Plan
- C-16 Pavement Marking and Signage Plan
- C-17 Pavement Marking and Signage Plan
- C-18 Roadway Profile
- C-19 Roadway Profile
- C-20 Roadway Profile
- C-21 Roadway Profile
- C-22 Roadway Profile
- C-23 Roadway Profile
- C-24 Drainage Details
- C-25 Water Main Details
- C-26 Sewer Details and Sign Descriptions
- C-27 Erosion Control Details
- C-28 ADA Details
- C-29 Soil Logs

Lighting details contained in the plans entitled “Site Lighting Layout at the Quarry at Groveland” prepared by Heidi G. Connors, dated January 13, 2020 and consisting of the following sheets:

- E-1 Site Lighting Layout at The Quarry at Groveland
- E-2 Site Lighting Layout at The Quarry at Groveland
- E-3 Site Lighting Layout at The Quarry at Groveland



Architectural details contained in the plans entitled Quarry Apartments, Groveland, Massachusetts prepared by Gate Architecture, dated February 8, 2019, and consisting of the following sheets:

A2.01 48 Unit Building Plans  
A2.02 48 Unit Building Plans  
A2.03 48 Unit Building Plans  
A2.04 Unit Plans  
A2.05 Unit Plans  
A3.01 Unit Plans  
A4.01 Building Section and Typical Wall Section  
None Rendering – Front Elevation  
None Rendering – Rear Elevation  
None Rendering – Side Elevation

Signage details are contained in a plan entitled The Quarry at Groveland, Sewell Street, Groveland, MA 01834, having a scale of 1:50.

- A.3 The Applicant shall be a Limited Dividend Entity as required by Chapter 40B and its successors and assigns shall comply with the limited dividend and other applicable requirements of Chapter 40B and the regulations adopted thereunder.
- A.4 The Project shall consist of not more than one hundred and ninety-two (192) rental apartment units, located in four (4) residential structures, and other related residential amenities, all as shown on the Approved Plans. The Project shall consist of no more than two hundred and ninety-eight (298) bedrooms.
- A.5 There shall be a minimum of three hundred and eighty-one (381) parking spaces (inclusive of required handicap spaces).
- A.6 Pursuant to the revised Waiver List submitted to the Board and attached hereto as Exhibit A, the Applicant has requested, and the Board has granted, those waivers from the Groveland Zoning Bylaw and other local by-laws and regulations as specified therein. No waivers are granted from requirements that are beyond the purview of G.L. c. 40B, §§ 20-23. No waiver of permit or inspection fees has been granted. Any subsequent revision to the Approved Plans, including but not limited to revisions in the Final Plans, referenced below, that requires additional or more expansive waivers of any local by-laws or regulations, must be approved by the Board in accordance with 760 CMR 56.05(11).

- A.7 Except as otherwise specifically provided herein, where this Decision provides for the submission of plans or other documents for approval by the Zoning Administrator or other Town Departments, the Zoning Administrator or applicable Department Head will use reasonable efforts to review and provide a written response within thirty (30) days following submission. For submissions that require assistance from an outside consultant, as determined by the Zoning Administrator or applicable Department Head, the thirty-day time period shall not begin until the consultant's fee has been fully funded by the Applicant. Should sixty days elapse without a response as aforesaid, said plans or documents shall be deemed approved.
- A.8 This Comprehensive Permit may be subsequently assigned or transferred pursuant to 760 CMR 56.05(12)(b). The pledging of the Property as security under any conventional loan financing terms as set forth in the financing entity's Loan Documents or any foreclosure sale pursuant to the same shall not constitute an assignment or transfer under this paragraph.
- A.9 The provisions of this Comprehensive Permit Decision and Conditions shall be binding upon the successors and assigns of the Applicant, and the obligations shall run with the land. In the event that the Applicant sells, transfers, or assigns its interest in the development, this Comprehensive Permit shall be binding upon the purchaser, transferee, or assignee and any successor purchasers, transferees or assignees. The applicable limited dividend restrictions shall apply to the owner of the project regardless of sale, transfer, or assignment of the project.
- A.10 The sidewalks, driveways, roads, utilities, drainage systems, and all other on-site infrastructure shown on the Approved Plans as serving the Project shall remain private in perpetuity, and the Town shall not have, now or in the future, any legal responsibility for the operation or maintenance of the infrastructure, including but not limited to snow removal, landscape maintenance, and hydrant maintenance. In this regard, the proposed site access road within the Project shall not be dedicated to or accepted by the Town.
- A.11 Unless otherwise indicated herein, the Board may designate an agent to review and approve matters on the Board's behalf subsequent to this Decision.

**B. Affordability**

- B.1 Except as may otherwise be allowed by the Subsidizing Agency MassHousing or other Subsidizing Agency, pursuant to the applicable subsidy program, a minimum of twenty-five percent (25%) or forty-eight (48) units of the rental units shall be reserved for income-eligible households, meaning that they shall be rented to and occupied by households, as proposed by the Applicant, whose income (adjusted for household size) is not more than eighty percent (80%) of the Area Median Income (“AMI”), as determined by the United States Department of Housing and Urban Development (“HUD”) and the Subsidizing Agency (the “Affordable Units”). Affordable Units shall, upon initial designation, be dispersed throughout the Project in accordance with the guidelines of the Subsidizing Agency, except for fluctuations based on changes of household eligibility income allowed by the Regulatory Agreement. The Applicant shall be responsible for maintaining records sufficient to comply with the Subsidizing Agency guidelines for the location of Affordable Units in the Project and occupancy of such Affordable Units by income-eligible households. As will be set forth more fully in the Regulatory Agreement, the location of the affordable units may change in the event that the income of a household occupying an affordable unit increases beyond allowable program limits. The Board acknowledges that affordable unit location is an issue within the exclusive jurisdiction of the Subsidizing Agency.
- B.2 All of the Project’s Affordable Units shall be restricted for rental to households earning no more than the maximum allowable household income, adjusted for household size, as determined by MassHousing or any substitute Subsidizing Agency. The Affordable Units shall be maintained as affordable in perpetuity, which for the purposes of this Decision shall mean for so long as the Property does not comply to applicable zoning requirements without the benefit of this Comprehensive Permit.
- B.3 The Applicant shall obtain approval by the Subsidizing Agency of an Affirmative Fair Housing Marketing Plan (“AFHMP”) prior to the rental of any Affordable Units, and shall ensure that the Project complies with the Subsidizing Agency’s Fair Housing requirements.
- B.4 For the initial rent-up of the Project, the maximum number of Affordable Units allowed by law and the applicable subsidy program, but not more than seventy percent (70%) of the Affordable Units, shall be reserved for households that qualify under a local preference definition approved by the Subsidizing Agency. A lottery shall be established in a form approved by the Subsidizing Agency and/or the Project’s Monitoring Agent to effectuate this local preference, with an approved secondary lottery for all other Applicants. The Applicant shall assist the

Town in the submittal of any evidence required by the Subsidizing Agency to support this local preference requirement. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence. If the Board or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above.

**C. Submission Requirements**

C.1 Prior to any construction or site development activities (including site clearing, tree removal, grading, etc.) on the Property, whether or not pursuant to a building permit (except as allowed by the Zoning Administrator, as noted below), the Applicant shall:

- a. Deliver to the Board a check in a reasonable amount determined by the Director of Planning and Community Development to be used for staff to retain outside experts, if necessary, for technical reviews and inspections required under these conditions but at inception shall not exceed \$6,500 unless an alternate amount has been agreed upon by the Board and the Applicant. Said funds shall be deposited by the Board in an account pursuant to G. L. c. 44, § 53G and shall only be used for technical reviews and inspections associated with this Project. Any unspent funds shall be returned to the Applicant with accrued interest at the completion of the project. If at any time the Board reasonably determines that there are insufficient funds to cover the costs of technical reviews, it shall inform the Applicant and the Applicant shall forthwith deliver additional funds as specified by the Board in a reasonable amount as may be determined by the Board. Said funds may be used by the Board to hire civil engineering, traffic engineering, and/or other professionals that the Board deems reasonably necessary to ensure compliance with the conditions hereof.
- b. Obtain and file a copy of a National Pollution Discharge Elimination System (NPDES) Permit from the U.S. Environmental Protection Agency (EPA), if necessary. The Board shall also be provided a copy of the Stormwater Pollution Prevention Plan (SWPPP) submitted along with the NPDES filing.

- c. Submit to the Board for review and administrative approval Final Engineering Drawings and Plans (“Final Plans”), such approval to be that the plans conform to the requirements of this Comprehensive Permit and incorporate the relevant conditions herein. The Final Plans shall also incorporate all relevant conditions and requirements of permitting agencies having jurisdiction. Applicable sheets of the Final Plans shall be signed and sealed by the Professional Land Surveyor of record, the Professional (Civil) Engineer of record, and a Registered Landscape Architect. Final Architectural Plans shall be stamped by a Registered Architect. The Final Plans shall be submitted to the Board at least forty-five (45) days prior to the anticipated date of commencement of building construction or submission of an application for building permits, whichever is earlier (the “Final Site Plan Submission Date”).
- d. Submit to the Board for its administrative approval, a landscaping plan with the Final Plans, signed and sealed by a Registered Landscape Architect, depicting the following:
  - i. Overall planting plan that includes a demarcation of clearing and the limits of work;
  - ii. Planting plans for drives showing shade trees and lighting fixture locations;
  - iii. Plans of walkways in open space and recreation areas;
  - iv. Prototype planting plans for each building that include shade trees (minimum caliper 3”), ornamental trees (minimum caliper 3”), shrubs, and groundcovers;
  - v. Prototype screening plans for dumpsters, depicting plantings and fencing;
  - vi. Planting details for coniferous and deciduous shade trees (minimum caliper 3”), ornamental trees (minimum caliper 3”), and shrubs;
  - vii. Planting schedules listing the quantity, size, height, caliper, species, variety, and form of trees, shrubs, and groundcovers;
  - viii. Tree protection and preservation plans
  - ix. Construction fencing along abutting property lines; and

x. Construction details.

All plantings shall consist of non-invasive, drought-tolerant species. Plantings installed along drives and walkways shall also be salt-tolerant. The final landscaping plans shall preserve the existing perimeter tree cover to the greatest extent practicable. Twelve (12) months after completion of plantings, the Applicant shall remove and replace any dead or diseased plantings and trees serving as screening. The contract with the Management Company shall address ongoing maintenance of landscaping features.

- e. Submit to the Zoning Administrator a construction mitigation plan including, but not limited to, dust control measures, fill delivery schedules, stockpiling areas, and like matters. Other than site work and such other work as may be authorized in writing by the Zoning Administrator, no other construction of units shall commence and no building permits shall be issued under this Comprehensive Permit until the Zoning Administrator and other applicable staff has approved the Final Plans as being in conformance with this Decision. If no written response or comments have been given to the Applicant by the Building Commissioner and/or Zoning Administrator concerning the Final Site Plans within forty-five (45) days after the Final Site Plan Submission Date, the Final Plans, as delivered, will be deemed to have been approved.
- f. The Applicant must provide notification to the Groveland Assessor's Office for address and unit numbering.

C.2 Prior to the issuance of any building permits, the Applicant shall:

- a. Record this Comprehensive Permit and the Subdivision Plan endorsed by the Board with the Essex South Registry of Deeds, at the Applicant's expense, and provide proof of such recording with the Board.
- b. Submit to the Board and the Zoning Administrator evidence of Final Approval from the Subsidizing Agency (DHCD), as required by the Project Eligibility letter and the Chapter 40B regulations.
- c. Submit to the Board a copy of the Regulatory Agreement and Monitoring Services Agreement (per Phase, if applicable) for the Project. Execution and recording of such Regulatory Agreement with DHCD shall be complete prior to the issuance of any building permit. It is understood and agreed that Monitoring provisions may be included with the Regulatory Agreement, in lieu of a separate Monitoring Services Agreement.

- d. Submit to the Building Commissioner final Architectural Plans prepared, signed and sealed by an architect with a valid registration in the Commonwealth of Massachusetts (“Architectural Plans”). The Architectural Plans shall be submitted in such form as the Building Commissioner may request pursuant to the State Building Code.
- e. An automatic sprinkler system conforming with NFPA 13 and a fire alarm system conforming to NFPA 72 shall be required in all residential buildings. Both systems shall be monitored by a UL approved central station monitoring service.
- f. Obtain and file with the Building Commissioner a copy of all required Federal, State, and local permits and approvals required to begin construction of the Project.
- g. Obtain all necessary building, electrical, plumbing, and associated permits required to begin construction of the Project required by state law.
- h. The Applicant will be responsible for all applicable sewer permit, capacity impacts and privilege fees, as applicable.
- i. The Applicant will be responsible for all applicable water and sewer system fees as per officially promulgated fee schedules uniformly applicable to all other Town of Groveland projects.

**D. Construction Completion/Certificate of Occupancy**

- D.1 Prior to issuance of a certificate of occupancy for any structure in the Project, the Applicant shall:
- a. Submit engineer’s interim certification of compliance with utilities plan and profiles for such Phase (as applicable) to the Building Commissioner.
  - b. Provide a letter to the Board, signed by the Applicant’s civil engineer, certifying that the structure and supporting infrastructure has been constructed in compliance with the Final Plans in all material respects.
  - c. Obtain acceptance from the Groveland Fire Department of testing of all fire protection systems, fire alarm systems, fire sprinkler systems, and local smoke alarms within the dwelling units of the structure.

- d. Obtain a sewer connection sign-off from the Groveland Sewer Commission for the structure.
- D.2 Prior to issuance of the certificate of occupancy for the last residential building to be constructed in each Phase, the Applicant shall:
- a. Submit to the Board, in digital file format and full-size paper copies, a final as-built plan including profiles, showing actual-in ground installation of all applicable utilities, rim and invert elevations, roadway, sidewalk and associated construction. The file format shall be in AutoCAD file delivery shall be in full model view and individual sheet views. The digital file shall include property boundaries, dimensions, easements, rights-of-way, edge of pavement, edge of sidewalk, edge of water bodies, wetland boundaries, topographic contours, spot elevations, parking areas, road centerline and associated text. Said digital data shall be delivered in the Massachusetts State Plane Coordinate System, North American Datum 1983 and North American Vertical Datum 1988, in U.S. Survey Feet.
  - b. The Applicant shall provide to the Board evidence of a property management plan (if property management will be done in-house), or shall provide a copy of a contract with a Management Company if property management will be conducted by a third-party. The Applicant shall submit to the Board all information relating to the issues of building security, public access, pet policy, staffing, trash removal, and smoking policies, and other issues addressed in the conditions herein.

**E. Project Design and Construction**

- E.1 Prior to the commencement of any work on the Property, the Applicant and the site general contractor shall attend a preconstruction conference with the Groveland Fire Department, the Groveland Water and Sewer Department, Town Planner/Zoning Administrator and other Town staff and consultants as may be determined.
- E.2 The Applicant shall permit representatives of the Board to observe and inspect the Property and construction progress until such time as the Project has been completed and the final occupancy permit issued.
- E.3 The proposed construction shall be in accordance with applicable Federal and State laws, rules and regulations.
- E.4 All site retaining walls four (4) feet or greater in height shall be designed by a Massachusetts Professional Structural Engineer.



- E.5 During construction, the Applicant shall conform to all local, State, and Federal laws regarding noise, vibration, dust, and blocking of Town roads. The Applicant shall at all times use all reasonable means to minimize inconvenience to residents in the general area. Adequate provisions shall be made by the Applicant to control and minimize dust on the site during construction in accordance with the construction mitigation plan. The Applicant shall keep all portions of any public way used as access/egress to the Project free of soil, mud or debris deposited due to use by construction vehicles associated with the Project.
- E.6 Appropriate signage shall be shown on the Final Plans, consistent with the sign information shown on the Approved Plans.
- E.7 The location of all utilities, including but not limited to electric, telephone, and cable, shall be shown on the Final Plans. All transformers and other electric and telecommunication system components shall be included on the Final Plans.
- E.8 The Applicant shall use natural gas for the Project, if reasonably available at the time of the submission of Final Plans. Gas service locations shall be included on the Final Plans.
- E.9 The Applicant shall install lighting on the site that conforms to the Town of Groveland's Zoning Bylaw. Lighting shall be down-lit/shielded to prevent light spillover onto surrounding properties. Management of outdoor lighting shall be the responsibility of the Applicant.
- E.10 Utilities, including but not limited to telephone, electric, and cable, shall be located underground. The contract with the Management Company shall note that no satellite dishes shall be allowed.
- E.11 Soil material used as backfill for pipes, access drives, or structures shall be certified by the Geotechnical Engineer to the Building Commissioner as meeting design specifications, as applicable.
- E.12 The Applicant shall test the soil during construction to confirm soil types in the areas of the infiltration system. Such testing shall be witnessed by the Board's designee. All unsuitable material, if any, discovered in excavation for the infiltration system shall be removed and disposed of in accordance with State and local regulations.

- E.13 Construction activities shall be conducted between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday and between the hours of 8:00 a.m. and 4:00 p.m. on Saturdays. For purposes of this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; delivery or removal of equipment or machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; loading of construction dumpsters and erection of new structures. All off-site utility work shall be coordinated and approved by the Building Department and shall not be subject to the timing restrictions set forth above. Parking of all vehicles and equipment must be on the Property during construction.
- E.14 Burning or burial of construction or demolition debris on the site is strictly prohibited. All such materials are to be removed from the site in accordance with applicable law. During construction, the site shall be secured against unauthorized entry or vandalism by fencing, or other appropriate means, and all construction materials shall be stored or stockpiled in a safe manner. Any floodlights used during the construction period shall be located and directed so as to prevent spillover or illumination onto adjacent properties. All construction activities are to be conducted in a workmanlike manner.
- E.15 No building areas shall be left in an open, unstabilized condition longer than sixty (60) days. Temporary stabilization shall be accomplished by hay bales, hay coverings or matting. Final stabilization shall be accomplished by loaming and seeding exposed areas.
- E.16 All dumpsters serving the Project shall be enclosed and covered (with the exception of construction dumpsters used during construction). The Board shall review the dumpster location as part of the approval of the Final Plans if different from what has been shown on the Approved Plans.
- E.17 All retaining walls visible from a public way or direct abutters, as determined by the Zoning Administrator based upon the time of year when such walls would be most visible, shall be constructed in an aesthetic manner. Specifically, retaining walls shall avoid the use of exposed concrete to the greatest extent practicable.
- E.18 Snow shall be stored within the areas of the Property designated on the Approved Plans. To the extent snowfall exceeds the capacity of the designated snow storage areas, the Applicant shall truck the excess snow off-site.

- E.19 The Applicant shall comply with all applicable state and federal requirements relating to noise from construction activities, including the regulations contained at 310 CMR 7.10 and the DEP's Noise Policy contained in DAQC Policy 90-001. The Applicant shall also implement all necessary controls to ensure that vibration from construction activities does not constitute a nuisance or hazard beyond the Property. Upon notification from appropriate municipal officials, the Applicant shall cease all construction activities creating noise in excess of state and federal standards, and shall implement such mitigation measures as is necessary to ensure the construction activity will comply with applicable State and Federal requirements.
- E.20 The Applicant is responsible for the sweeping, removal of snow and sanding of the internal roadways and driveways providing access to both the residents of the Project and emergency vehicles.
- E.21 The Applicant shall maintain all portions of any public road, whether state or local roads, used for access to the Property by construction vehicles, free from soil, mud or debris deposited due to such use during the duration of construction.
- E.22 The Applicant shall comply with DPW requirements regarding curb-cut permits, and shall obtain a State Highway Access Permit, as necessary, from MassDOT.
- E.23 To the extent earth removal is necessary, the Applicant shall prepare an earth removal plan, showing all necessary cuts and fills, and describing the number of truck trips necessary for the earth removal.
- E.24 The Applicant proposes to bring in approximately 225,000 cubic yards of fill into the Property to restore the grades resulting from the historical quarry use on the Property. The Department of Environmental Protection has a Reclamation Soil Policy pursuant to Section 277 of Chapter 165 of the Acts of 2014, under which the Applicant proposes to operate in bringing in fill to the Site. The Applicant shall comply with all of the DEP requirements regarding this importation of fill.
- E. 25 All catch-basins shall have oil/water separators as shown on the Approved Plans.
- E. 26 Project sidewalks and pathways/walkways shall be compliant with the requirements of the Americans With Disabilities Act ("ADA") and the requirements of the Architectural Access Board ("AAB").
- E. 27 This Comprehensive Permit shall be a master permit which is issued in lieu of all other local permits or approvals that would otherwise be required, except for the issuance of Building Permits and Certificates of Occupancy by the Building Department under the State Building Code; provided, however, the Applicant

shall pay all local fees for such permits or approvals as published in the departmental regulations or bylaws, including but not limited to building permits, inspections, water and sewer connections, and curb cuts.

**F. Traffic/Traffic Safety Conditions / Sidewalks**

- F.1 Access and egress to the Project shall be via Salem Street, with emergency access only over Nelson Street, consistent with the Approved Plans. The emergency access over Nelson Street shall be gated, and may only be utilized by authorized emergency vehicles.
- F.2 The use of Nelson Street as emergency access is an essential safety feature of the Project ; otherwise all one hundred and ninety-two (192) units in the Project would be serviced via a lengthy single access roadway. During the course of the proceedings before the Board, the Applicant's legal right to use Nelson Street was questioned. If the Applicant is found by a court of competent jurisdiction to lack the legal right to use Nelson Street for emergency access to the Project, this approval shall be rendered invalid until such time as the Board approves plans depicting a satisfactory emergency access to the Property.
- F.3 The Applicant shall ensure that adequate snow storage is provided at the site, and that trash bins and pick-up activity will not block on-site parking or circulation.
- F.4 The Applicant shall ensure that emergency vehicles can adequately maneuver through the site. The Groveland Fire Department shall review the Final Plans to ensure compliance with this condition.
- F.5 The Applicant shall be responsible for the upgrade (as shown on the Approved Plans) and ongoing maintenance of Sewell Street to ensure proper access to the Project.
- F.6 The Applicant shall install two solar powered Rectangular Rapid Flashing Beacon (RRFB) assemblies for the Salem Street pedestrian crossing, to be placed at the crosswalk shown on Sheet C-15 on the Approved Plans.

**G. Police, Fire, and Emergency Medical Conditions**

- G.1 The Applicant shall provide professional property management and maintenance personnel on the premises during typical business hours and an emergency contact name and number for tenants and the Groveland Police Department and Fire Department.

- G.2 The Applicant will provide Knox boxes for all buildings for Police Department and Fire Department. The Applicant will also work with the Fire Department to ensure access during construction.
- G.3 Stairwells and garages must be two-hour fire rated. Residential units must be one-hour fire rated.
- G.4 The residential structures shall be fully sprinklered to NFPA regulations.
- G.5 Compliance with all State Building Code and NFPA requirements relating to fire access and safety shall be met.
- G.6 All elevators must have emergency generator backup.
- G.7 The Project shall maintain fire access to all four sides of each residential structure at all times.
- G.8 The Project shall provide adequate external lighting to ensure safety of the residents of the Project.
- G.9 As proposed by the Applicant, the Project shall have a card access system with time stamps and shall have a superintendent on-site to address security concerns with the Police Department.
- G.10 During times of construction, the Project, including all structures shall be accessible to Fire Department and other emergency vehicles. Additionally, all hydrants shall be operational during construction in accordance with NFPA requirements. Standpipes shall be operational on each floor during construction, as required by the Building Code and the Fire Department.
- G.11 The Applicant shall consult with the Fire Department prior to the commencement of construction to provide an on-site emergency plan, which shall be updated as necessary throughout the construction process.

**H. Water, Sewer and Utilities**

- H.1 The Applicant shall be responsible for the design and installation of the utilities servicing the Project.
- H.2 All water and sewer infrastructure shall be installed in conformance with the Groveland Water and Sewer Department's technical requirements. The Applicant shall consult with Groveland Water and Sewer Department prior to the commencement of construction.

- H.3 Fire hydrants shall be placed as shown on the Approved Plans in locations approved by the Groveland Fire Department. If the Groveland Fire Department approves different hydrant locations, such modification shall be accepted administratively as an insubstantial change pursuant to 760 CMR 56.05(11).
- H.4 The service size for the domestic water service should be verified by the Groveland Water and Sewer Department and information on the fire service size and requirements should be verified by the Groveland Fire Department. The Applicant shall submit information regarding the size of both the domestic and fire services as part of Final Plans, after consultation with the Groveland Water and Sewer Department.
- H.5 The water and sewer utilities servicing the buildings in the Project shall be installed and tested in accordance with applicable Town requirements and protocols, except as may be waived herein.
- H.6 Utilities shall be installed underground by the Applicant using methods standard to those installations. Utilities shall be defined as electric service lines, telephone lines, water service lines, CATV lines, municipal conduit and the like.
- H.7 The Applicant shall be responsible for all trash and recycling removal from the Property. The Town of Groveland shall not have any responsibility for trash and recycling pickup at the Property.
- H.8 Fire hydrants shall remain private, and shall be maintained by the Applicant.
- H.9 The Applicant shall install a looped water system as shown on the Approved Plans, looping off Salem Street through the Project Site, down Nelson Street back to Salem Street, to ensure adequate water pressure during emergencies and for public safety. Construction details shall be reviewed and administratively approved by the Water Department.

**I. Wetlands/Environmental Conditions**

- I.1 The Applicant proposes work within the one hundred foot buffer zone to a bordering vegetated wetland. The Applicant will be required to obtain an Order of Conditions from the Groveland Conservation Commission, or a Superseding Order of Conditions from the Department of Environmental Protection.
- I.2 No structure requiring a building permit, including, but not limited to, dwellings, garages, storage sheds, or swimming pools shall be installed or constructed within seventy-five feet (75') of any resource area.

- I.3 Fertilizers utilized for landscaping and lawn care shall be slow release, low-nitrogen (<5%) and phosphorus-free types and shall not be used within 25 feet of a resource area. Pesticides and herbicides shall not be used within 100 feet of a wetland resource area. This condition shall survive this Order of Conditions and shall run with the title of the property.
- I.4 There shall be no dumping of leaves, grass clippings, brush, or other debris into a wetland resource area or associated buffer zones. Dumping of snow into wetland resource areas is also prohibited.
- I.5 Only non-sodium de-icing compounds are to be used within wetland resource areas and/or buffer zones, including calcium chloride or calcium magnesium acetate. De-icing compounds shall be stored in sheltered areas on impervious pads. Any arrangement for snow removal shall stipulate this condition.
- I.6 On land owned by the Applicant and not within the jurisdiction of the Division of Fisheries and Wildlife ("DFW"), signs no less than four inches (4") by four inches (4") in size, mounted on a granite post no less than three feet (3') tall, and no less than thirty-six inches (36") below the surface identifying bordering vegetated wetlands, shall be placed every fifty feet (50') along a line twenty-five feet (25') from the bordering vegetated wetlands (excluding lands within DFW jurisdiction). On land subject to DFW jurisdiction, markers required by DFW shall control and markers will be placed in accordance with the Conservation Management Permit issued by DFW rather than as required above for the areas not within DFW jurisdiction. The specific location of the signs and markers shall be agreed-to at the pre-construction meeting. The rustproof metal or plastic sign shall be in green background with white lettering and shall contain the following wording "Jurisdictional Resource Area. Any Work Beyond This Point Requires Approval of the Groveland ZBA and the Groveland Conservation Commission."
- I.7 All work shall be conducted in accordance with the approved erosion and sedimentation control plan. Within one week of final grading, weather permitting, all disturbed areas located within wetland resource areas and buffer zones shall be stabilized against erosion. This shall be done either by sodding or by loaming, seeding and mulching according to Soil Conservation Service Standards and the Approved Plans. Stabilization will be completed when the surface shows complete vegetative cover. Temporary stabilization measures approved by the Board's inspectional engineer will be required should work be interrupted for more than ten (10) days.

- I.8 The applicant, successor or assigns shall ensure the cleanliness of all catch basins and roadway affected by the project related activity. All catch basins will be protected by a "Silt Bag Inlet Protection" device or equal during the project work period. The applicant shall inspect and clean as necessary, all catch basins and sweep the roadway at least weekly during construction. It may be required more frequently during rain events.
- I.9 There shall be no sedimentation into wetlands or water bodies from discharge pipes or surface runoff leaving the Property.
- I.10 The Board or its agent (which may be the Conservation Commission agent acting on behalf of the Board) shall have the right to enter the Property for inspections and to evaluate compliance with the wetlands conditions contained herein upon reasonable notice of not less than twenty-four (24) hours. Access shall be allowed without the need for advanced notice in emergency situations when necessary to prevent imminent harm to wetlands resource areas.
- I.11 The applicant shall designate a Wetland Scientist (or other environmental professional as approved by the Commission) as an "Environmental Monitor" to oversee the work. The name and phone number of the Environmental Monitor ("EM") must be provided to the Commission if this person must be contacted, due to an emergency at the site, during any 24-hour period, including weekends. Proof of the retained EM must be submitted to the Commission on letterhead by the retained consulting firm. The EM shall notify the Board immediately of any matter that requires their attention.
- I.12 During construction, while erosion control measures are required to remain in place, the EM shall provide monthly reports to the Board, with a copy to the Groveland Conservation Commission, as both a paper and electronic copy while these orders are in effect with status details of erosion controls, signage, storm and rain events, turtle habitat protection and construction interruptions.
- I.13 Every month in which construction activities occur at the site, the applicant shall submit a written report with photographs from the Environmental Monitor to the Commission as both a paper and electronic copy certifying that, to the best of his/her knowledge and belief based on a careful site inspection, all work is being performed in compliance with the Order of Conditions and Permit and that approved setbacks are being adhered to.



- I.14 No work within resource areas or buffer zones thereto as described in Section III of the Town of Groveland Wetlands Protection Bylaw and regulations shall be permitted after November 1 or before April 15 of the following year except for work associated with the construction of the Natural Heritage turtle nesting habitat and further provided that required erosion controls are maintained.
- I.15 Prior to the commencement of work within any resource areas, the Applicant shall, in addition to any other security or surety required by this Decision, provide the Town security in the amount of \$10,000 (via bond, passbook, cash or tripartite agreement) in order to provide security for the work and erosion control measures in or adjacent to resource areas. In the event that said work or erosion control measures have been deemed to have failed or require maintenance, the Applicant shall be given written notice of such deficiency, along with an opportunity to cure the same within seven (7) days, or longer as may be applicable. In the event that the Applicant does not timely cure the deficiency, said security may be accessed by the Board to pay expenses for replacement, repair or maintenance of erosion controls if the Applicant refuses to repair, replace or maintain such erosion control measures in a timely manner upon written notification from the Board or its agent. To the extent that Board is required to access and use this security, as aforesaid, the Applicant shall replenish said security to return it to \$10,000.
- I.16 The applicant shall follow all requirements, permits and directives issued by the Commonwealth of Mass Natural Heritage and Endangered Species Program (NHESP.) All such permits and directives, interim reports, and communications from and to NHESP shall be provided to the Commission as both a paper and electronic copy within 10 days of issuance.
- I.17 During construction, the border of the locally defined resource areas on site shall be clearly marked with stakes and/or flags, except if work is taking place in said resource areas. The Applicant will install all erosion controls according to the Approved Plans and these conditions. Erosion control barriers at or adjacent to resource areas shall be inspected after any significant rain events (greater than .5 inches of precipitation) and maintained as necessary including the removal of accumulated sediments. A minimum of ten percent (10%) additional haybales above what is required for initial stabilization is required to be maintained on site for control of emergency erosion problems in the event of a breach of the initial erosion control barrier. The Board, acting by and through its agent (which may be the Conservation Agent) reserves the right to require additional erosion control during construction or at the pre-construction meeting if it deems that the site conditions warrant such measures. The Board's agent shall be notified following installation of erosion controls so that these measures may be inspected prior to commencement of additional work in or adjacent to the resource areas.

- I. 18 During and after work on this project, there shall be no discharge or spillage of fuel, or other pollutants into any wetland resource area. If there is a spill or discharge of any pollutant during any phase of construction, the Commission shall be notified by the applicant within one (1) business day. No construction vehicles are to be stored within 100 feet of wetland resource areas overnight, and no vehicle refueling, equipment lubrication or maintenance is to be done within 100 feet of a resource area.
- I. 19 A copy of this permit shall be available on-site when work is being done or the Board reserves the right to shut down the site for a minimum 24-hour period during which no work shall take place. The shutdown period will end after 24 hours when the copy of the permit has been presented to the Board or its agent.
- I.20 Prior to any work commencing on-site, the applicant shall submit to the Commission for review, proof that a Self-Verification Notification Form has been submitted to the US Army Corps of Engineers, if necessary.
- I.21 Prior to any work commencing on-site, the applicant shall submit to the Commission for review, proof that a NPDES Stormwater Permit is active for the project.
- I.22 Copies of all information and all required reports regarding a US EPA NPDES permit and Stormwater Pollution Prevention Plan (SWPPP) shall be forwarded to the Commission as both a paper and electronic copy.

**J. Other General Conditions**

- J.1 This Decision will be deemed to be final upon the expiration of the appeal period with no appeal having been filed or upon the final judicial decision following the filing of any appeal, whichever is later, as per 760 CMR 56.05(12)(a). In accordance with 760 CMR 56.05(12)(c), this Comprehensive Permit shall expire three (3) years from the date that the permit becomes final, unless (i) prior to that time construction authorized by the Comprehensive Permit has commenced or (ii) the time period is otherwise tolled in accordance with law. The Applicant may timely apply to the Board for extensions to the Comprehensive Permit as permitted by law.
- J.2 The Applicant shall comply with all local regulations of the Town and its boards, commissions, and departments unless specifically waived herein or as otherwise addressed in these conditions.

- J.3 The Applicant shall copy the Board on all correspondence between the Applicant and any federal, state, or Town official, board, or commission concerning the conditions set forth in this Decision, including but not limited to all testing results, official filings, environmental approvals, and other permits issued for the Project.
- J.4 This Decision prohibits the parking or storage of any unregistered vehicle on the site, and likewise prohibits the service of any vehicles on the site, except during construction.
- J.5 In the event that the Applicant (or its Management Company) fails to maintain the stormwater management system for the Project in accordance with its operation and maintenance plan, within fourteen (14) days of notification by the Town to the Applicant/Management Company, the Town may conduct emergency maintenance and/or repair, as it deems necessary, and the Applicant shall, prior to the issuance of any certificates of occupancy, convey such easement or other rights in a form mutually acceptable to the Town and the Applicant as may be reasonably necessary to complete such repair and/or maintenance. In the event the Town opts to perform such maintenance in accordance with this paragraph, the Applicant shall reimburse the Town within forty-five (45) days for all of its reasonable expenses related to such work.
- J.6 The Project entrance way and interior roads, and drainage systems associated therewith shall remain private, and the Town shall not have any legal responsibility for the operation and maintenance of such. The Town shall also have no obligations relating to the proposed recreational areas on the Property, the construction and operation of which shall be the sole responsibility of the Applicant.
- J.7 If any default, violation or breach of these conditions by the Applicant is not cured within thirty (30) days after notice thereof (or such longer period of time as is reasonably necessary to cure such a default so long as the Applicant is diligently and continuously prosecuting such a cure), then the Town may take one or more of the following steps: (a) enforcement by the Zoning Enforcement Officer pursuant to G. L. c. 40A, § 7; (b) by mandamus or other suit, action or other proceeding at law or in equity, require the Applicant to perform its obligations under these conditions; or (c) take such other action at law or in equity as may appear necessary or desirable to enforce these conditions. If the Town brings any claim to enforce these conditions, and the Town finally prevails in such claim, the Applicant shall reimburse the Town for its reasonable attorneys' fees and expenses incurred in connection with such claim.
- J. 8 Each residential building shall provide laundry facilities as shown on the Approved Plans.

Decision on Application for Comprehensive Permit  
Groveland Realty Trust, LLC  
4 Sewell Street, Groveland, MA  
November 18, 2020  
Page 28 of 33

TOWN OF GROVELAND

2020 DEC -1 AM 9: 27

TOWN CLERK  
\*FOF/WEB/\*CSTEB

  
Town Clerk

**Notice:** Appeals, if any, by any party other than the Applicant, shall be made pursuant to Massachusetts General Laws, Chapter 40A, s. 17, and shall be filed within twenty (20) days after the filing of this notice in the Office of the Town Clerk, Town Hall, Groveland, Massachusetts. Any appeal by the Applicant shall be filed with the Housing Appeals Committee pursuant to G. L. c. 40B, § 23, within twenty (20) days after the filing of this notice in the Office of the Town Clerk.

## **DECISION ON WAIVERS**

The Board takes the following action on the waiver requests of local rules and regulations submitted by the Applicant as it has determined necessary for the construction of the Project as approved by the Board:

1. Zoning Bylaws Section 1.5 – This section requires all uses and structures to be in conformance with the Town of Groveland Zoning Bylaws. The Applicant requests a waiver to allow the Project to be approved without strict conformance to the Zoning Bylaws, subject to the conditions and waivers herein.

**Board Action: Waiver Granted.**

2. Zoning Bylaws Section 4.1 – This section requires all uses to be in conformance with the Zoning Bylaws. The Applicant seeks a waiver allowing the proposed apartment use, subject to the conditions and waivers herein.

**Board Action: Waiver Granted.**

3. Zoning Bylaws Section 4.2 – This section prohibits more than one dwelling unit per lot. The Applicant seeks a waiver to allow multiple dwelling units, consistent with the Approved Plans.

**Board Action: Waiver Granted.**

4. Zoning Bylaws Section 4.5 – This section prohibits multi-unit developments other than assisted living facilities and planned unit developments. The Applicant requests a waiver to allow the multi-unit project as shown on the Approved Plans.

**Board Action: Waiver Granted.**

5. Zoning Bylaws Section 6.2 (Aquifer Protection District) – This section regulates uses, pervious coverage and structures within the overlay district. The Applicant notes that the Project is within the Aquifer Protection Overlay District.

**Board Action: Waiver Denies as unnecessary. The Board notes that this is a procedural waiver that is not required as the comprehensive permit subsumes all local permitting requirements.**

6. Zoning Bylaws Section 8.1 (Setbacks) – This section requires a 25' side-yard setback. The Applicant requests a waiver to allow for a side yard setback of 20.4' for Building No. 1 and a side yard setback of 21.2' for Building No. 2.

**Board Action: Waiver Granted.**

7. Zoning Bylaws Section 8.1 (Height) – This section imposes a maximum building height of 35’ in the Industrial Zoning District. The Applicant requests a waiver to allow for a maximum building height of 75’.

**Board Action: Waiver Granted.**

8. Zoning Bylaws Section 8.6 (Dwellings Per Lot) – This section limits lots to one dwelling building permit lot. The Applicant requests a waiver to allow for the construction of four residential buildings and one clubhouse building.

**Board Action: Waiver Granted. The Board’s waiver of this provision is subject to the more specific dimensional waivers contained herein.**

9. Zoning Bylaws Section 9.3.1 – This section requires parking spaces to be at least 9’ wide and 20’ long. The Applicant requests a waiver to allow podium parking spaces to be a minimum of 19’5” long, and to allow a minimum width of 8.3’.

**Board Action: Waiver Granted.**

10. Zoning Bylaws Section 9.3.10 – This section requires one shade tree per eight parking spaces and a minimum grass strip of 3’ in width where the sidewalk abuts a parking area. The Applicant requests a waiver to eliminate the 3’ wide grass strip, and a waiver to allow a parking design that does not include the required one (1) shade tree per eight (8) parking spaces. The Applicant instead seeks to provide landscaping for parking areas as shown on the Approved Plans.

**Board Action: Waiver Granted.**

11. Zoning Bylaws Section 10.1 – This section addresses the provision of affordable housing units for any project providing four or more new dwelling units. The Applicant requests a waiver to allow for the Project to comply with the affordability requirements contained in G. L. c. 40B, §§ 20-23.

**Board Action: Waiver Granted**

12. Zoning Bylaws Section 11.6.3.1 – This section addresses signage requirements. The Board seeks a waiver of applicable sign requirements to allow a 4’ x 8’ sign with a fieldstone base, assorted directional signs, address signs for buildings, no smoking signs, handicap parking signs, fire lane signs, a leasing office sign and other signs as shown on the Approved Plans and information submitted to the Board during the public hearing..

**Board Action: Waiver Granted.**

13. Zoning Bylaws Section 13.0 (Site Plan) – This section sets forth the process for review of site plans. The Applicant requests a waiver of this section in its entirety, to allow for review pursuant to G. L. c. 40B, §§ 20-23.

**Board Action: Waiver Denied as unnecessary. Because the Chapter 40B process subsumes other local permitting processes, a specific waiver of the site plan approval process is not necessary.**

14. Groveland Wetlands Protection Bylaw and Regulations – The Applicant has requested a waiver of Sections II.1.j and Section XIV as it relates to the treatment of buffer zones as resource areas, in order to allow grading and driveway construction within buffer zones, to allow for a total of 2.3 acres of buffer zone disturbance. No work will be conducted within 25' of any non-buffer zone wetlands resource area.

**Board Action: Waiver Granted.**

15. Wetlands Bylaw and Regulations Section II(1) – This section sets forth the jurisdictional areas covered by the Wetlands Bylaw – The Applicant seeks a waiver to allow work within the buffer zone, as described in No. 14 above.

**Board Action: Waiver Granted.**

16. Wetlands Bylaw and Regulations Section IV – This section sets forth the procedural requirements for filing an application with the Groveland Conservation Commission. The Applicant requests a waiver of these filing requirements.

**Board Action: Waiver Denied as unnecessary. Because G. L. c. 40B, §§ 20-23 subsumes all other local permitting processes, the Applicant is not required to obtain a separate permit under the Wetlands Bylaw, and no specific waiver of this requirement is necessary.**

17. Wetlands Bylaw and Regulations Section V – This section sets forth the procedural requirements for hearings under the Groveland Conservation Commission. The Applicant requests a waiver of these hearing requirements.

**Board Action: Waiver Denied as unnecessary. Because G. L. c. 40B, §§ 20-23 subsumes all other local permitting processes, the Applicant is not required to undertake a separate hearing process under the Wetlands Bylaw, and no specific waiver of this requirement is necessary.**

18. Wetlands Bylaw and Regulations Section VI – This section requires an applicant under the Wetlands Bylaw to coordinate the hearing process with other local boards. The Applicant requests a waiver of these filing requirements.

**Board Action: Waiver Denied as unnecessary. Because G. L. c. 40B, §§ 20-23 subsumes all other local permitting processes, all local permits are issued as part of this comprehensive permit, therefore coordination with other boards is not necessary.**

19. Wetlands Bylaws and Regulations Section VII, Definitions – This section provides defined terms under the Wetlands Bylaw. The Applicant requests that this section be waived in favor of terms defined under the Wetlands Protection Act.

**Board Action: Waiver Request Withdrawn.**

20. Wetlands Bylaws and Regulations Section IX(1) (Burden of Proof) – This section sets forth the burden of proof an applicant must meet in order for an order of conditions to be issued under the Wetlands Bylaw and Regulations. The Applicant seeks a waiver.

**Board Action: Waiver Denied as unnecessary. The issuance of a comprehensive permit is subject to the standards contained in G. L. c. 40B, §§ 20-23 and 760 CMR 56.00, thus the burden of proof contained in the Wetlands Bylaw and Regulations is not applicable.**

21. Wetlands Bylaws and Regulations Section IX(3) (Dimensional Regulations) – This section sets forth the dimensional requirements of the Wetlands Bylaw and Regulations. The Applicant requests a waiver from this section in favor of the requirements contained in the Wetlands Protection Act.

**Board Action: Waiver Request Withdrawn.**

22. Wetlands Bylaws and Regulations Section IX(4) (Seasonal Regulations) – This sections limits the time of year in which work may be done within jurisdictional areas. The Applicant requests a waiver to allow work on the nesting turtle habitat during the restricted times.

**Board Action: Waiver Granted, as set forth in Condition I.14.**

23. Wetlands Bylaws and Regulations Section X, XI and XII (Wetlands, Land Under Water Bodies and Land Subject to Flooding). The Applicant requests a blanket waiver of these sections.



**Board Action: Waiver Granted to allow construction as shown on the Approved Plans.**

24. Wetlands Bylaws and Regulations Section XV (Procedures) – This section sets forth procedures for the submittal and review of permit applications. The Applicant requests a waiver.

**Board Action: Waiver Denied as unnecessary. Because a comprehensive permit subsumes all other local permitting processes, a waiver of the application process under the Wetlands Bylaw and Regulations is not required.**

25. Wetlands Bylaws Section XVII (Security) – This section sets forth the authority for the Conservation Commission to impose security requirements upon an applicant to ensure the completion of work. The Applicant requests a waiver.

**Board Action: Waiver Denied as unnecessary. Because the Board acts as the permit granting authority for a comprehensive permit, the Conservation Commission does not have the authority to require security pursuant to the Wetlands Bylaws and Regulations. The Board has imposed security requirements relating to the wetlands approval as part of Condition I.15.**

26. Stormwater Management and Land Disturbance Bylaw, Article 14 – The Applicant requests the waiver of the requirement to apply for a separate approval under this bylaw. The Applicant seeks approval of stormwater management and land disturbance activities based upon materials submitted during the hearing. The Applicant further requests waiver of Section 14.9, which requires a performance guarantee. The Applicant relies upon security requirements in this Comprehensive Permit. The Applicant further requests waiver of Section 14.10 and 14.11, which sets forth inspectional protocols and requirements for Final Reports. The Applicant relies upon the inspectional requirements and other post-construction review procedures in this Comprehensive Permit.

**Board Action: Waiver Granted.**

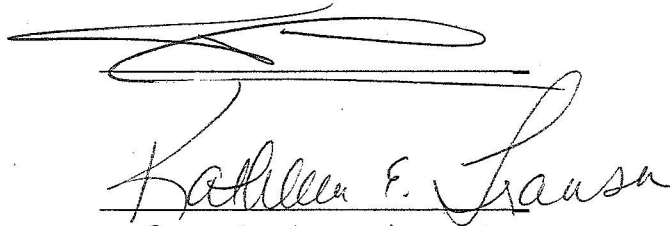

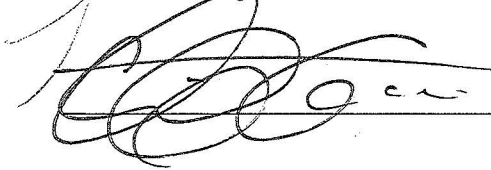
J. 9 The Applicant shall provide a bus shelter for school buses along Salem Street.

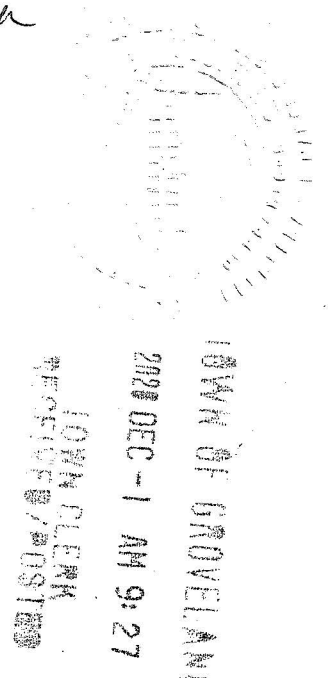
**DECISION**

In consideration of all of the foregoing, including the plans, documents and testimony given during the public hearing, the Board hereby grants the Applicant a comprehensive permit for the construction of one hundred and ninety-two (192) rental apartment units pursuant to Chapter 40B, §§ 20-23, for the development described above.

**RECORD OF VOTE**

The Board of Appeals voted \_\_\_\_\_, at its public meeting on November 18, 2020, to grant a Comprehensive Permit subject to the above-stated Conditions, with this Decision as attested by the signatures below.

  
\_\_\_\_\_  
Kathleen F. Trause  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
\_\_\_\_\_



Dated: November 18, 2020

Filed with the Town Clerk on <sup>December</sup> November 1, 2020.