

Town of Groveland
Zoning Board of Appeals
183 Main Street
Groveland, MA 01834



Christopher Goodwin, Chair
Jason Naves
John Stokes II
Brad Ligols
John Grohol

APPROVED 8-7-2024

Board/Committee Name: ZONING BOARD OF APPEALS
Date: Wednesday, July 10, 2024
Time of Meeting: 7:30 PM
Location: 181 Main Street, Groveland, MA 01834

Present: John Grohol, Chris Goodwin, Jason Naves, John Stokes II

Absent: Brad Ligols, Brian Callahan

Staff Present: Rebecca Oldham (Town Administrator)

Public Participants: Jay Ogden, Bill Daley, John Collins, Laurie Collins, Paul Reardon, Jane Brown, Craig Weaver, Kathy Weaver

NOTE: Minutes are not a transcript. A video recording of this meeting can be found on the Towns YouTube page.

MOTION: Grohol motions to open the meeting. Stokes II seconds the motion. Voting aye; Grohol, Stokes II, Goodwin, Naves. The motion passes unanimously.

PUBLIC HEARING:

CONTINUED: Application #2024-6 441 MAIN STREET (ESTY PARK) – A public hearing in accordance with General Laws, Chapter 40A, as amended, for Application #2024-6 made by Esty Park Trust, Eric Harper Trustee, 8 Federal Way, Groveland MA for the premises located at 441 Main Street, Groveland, Map 24 Lot 9, located in the Residential 2 (R2) Zoning District to modify Special Permit #2014-4 to add an additional building to the Property.

Goodwin: Reads the above notice.

Ogden: Ms. Schindler prepared a draft decision that she shared with me, and I have reviewed the few questions she had on it. On page two section D we confirm that Phase II was not constructed. There were three buildings proposed from 2017 that have not been constructed. On page three, there were some questions about decisions that had or had not been recorded. There was a decision about a stipulation about the decision being recalled if any complaints were received. My thought was that condition was a bit ambiguous, and not something I would expect to see since someone could complain about anything. Then there was the #2016-7 decision, which I did share the book and page with Ms. Schindler. It was a decision was recorded and then an affidavit was recorded to correct some dates. There was a question about adding Juneteenth to federal holidays which makes sense. On the first page where it notes members present, was Brad present?

Goodwin: No, he wasn't.

Ogden: Marchionda has been working on a site plan for the changes, it just isn't ready for tonight.

Goodwin: We'll run through the requirements for granting a special permit. Social, economic and community needs served by the proposal.

Grohol: I feel like it is in keeping with the site.

Goodwin: Traffic flow and safety?

Grohol: No significant impact.

Goodwin: Adequacy of utilities and public services?

Grohol: Agreed.

Goodwin: Neighborhood character?

Grohol: The same.

44 Goodwin: Impacts on the natural environment? Very minimal. Fiscal impact and impact on Town
45 services, tax base and employment? Increases to that.

46 Grohol: Agreed.

47 Goodwin: Consistency with the Town of Groveland Master Plan?

48 Grohol: Consistent.

49 Goodwin: Change or extension shall not be more detrimental to the existing non-conforming use to the
50 neighborhood.

51 Grohol: Agreed.

52 **MOTION**: Stokes II motions to accept the decision as written. Grohol seconds the motion. Voting aye;
53 Goodwin, Stokes II, Grohol, Naves. The motion passes unanimously in favor.

54
55 **CONTINUED SEWELL STREET**: Insubstantial changes to the plan previously approved. These
56 changes include Relocation of access for the development and associated changes to drainage, and the
57 correction of an error in the Decision to change the number of bedrooms from 298 to 312. Review of TEC
58 Stormwater Review. Zoning Board acknowledgement of Rental Regulatory Agreement.

59 Daley: I'm just here for the Regulatory Agreement. MassHousing doesn't require it, it's just a paperwork
60 item. The other changes are still going through TEC review. If you have any questions on the Agreement,
61 I'm happy to answer them.

62 Grohol: In reviewing the TEC letter, have you come to any understanding of what they're asking for
63 there?

64 Daley: Yes, traffic and engineering are working through it. We didn't change the crosswalks when we
65 changed the location of the road, so that was being worked out. The response should be done in about 2-3
66 weeks.

67 Naves: I think Rebecca had made mention of a line in this that is not consistent with the Comprehensive
68 Permit?

69 Oldham: We had Town Council review the document because we hadn't seen an agreement like this
70 before to confirm that does in fact coincide with what was approved. They mentioned that essentially
71 while you're acknowledging that the Regulatory Agreement satisfied the Comprehensive Permit, the last
72 sentence says that if there's a conflict between the two, the Regulatory Agreement rules. Where it is not
73 required that this is signed, it was recommended that we refuse to sign it at this point in time.

74 Grohol: I had a question about the term. I have seen in other Town's they ask for the agreement to be in
75 perpetuity rather than 30 years.

76 Daley: That agreement comes from MassHousing, it comes from the State, our team didn't create this. It
77 is not required. We don't put our spin on it and try to change it.

78 Oldham: Council agreed that it is a boiler plate document.

79 Grohol: Could we change them?

80 Oldham: I'm not sure if MassHousing would allow that.

81 Daley: It is required to have a Regulatory Agreement in place for a building permit, it is MassHousing's
82 final item for their final approval, but yes, it is not required. I can ask my consultant if it can be changed.

83 Oldham: It may not be able to be changed. They can review the Comprehensive Permit and see where it
84 deviates.

85 Goodwin: I prefer to follow Councils advise.

86 Oldham: They stated there would be no ramifications and that she's seen communities not sign before and
87 the developers are able to submit all of their proper paperwork. If an issue comes up, it can be brought
88 back to the Board, but it does not stop the developer from moving forward.

89 Goodwin: Board discussion?

90 Board: We are not going to sign the Regulatory Agreement.

91 **MOTION**: Goodwin motions to continue the notification of insubstantial changes to Wednesday August
92 7th meeting when we have TEC review feedback. Grohol seconds the motion. Voting aye; Goodwin,
93 Stokes II, Grohol, Naves. The motion passes unanimously in favor.

94 **MOTION:** Naves motions to follow Town Council advice and not sign the Agreement. Grogol seconds.
95 Voting aye; Goodwin, Stokes II, Grohol, Naves. The motion passes unanimously in favor.

96
97 **36 GARRISON STREET:** Board will provide information on the 40B process.

98 Goodwin: As a refresher as to where we are in the process, at this point we got the courtesy notification
99 from the applicant on the project that may be coming to the Town. It is still with the State, and we have
100 not yet received any official application through the State. To explain what the process will be like, if it is
101 approved by the State, they will then submit an application with the Town. That will be submitted to the
102 ZBA for process, and once that happens there will be a formal review of the application with public
103 feedback, peer-review and all that goes with that. At this point I will open it up for public comment of any
104 concerns, understanding we don't have an application in front of us at this point. Please make sure to state
105 your name and address for the record.

106 John Collins, 37 Garrison St: With a 40B this project is supposedly 62+, with a 40B you can't limit the
107 age of the people who are going to live there? Isn't that part of the State rules? So how can they make it
108 62 and older?

109 Goodwin: I don't believe there is any age restriction to any 40B project, I'm not an expert, but I'm pretty
110 sure the 40B process does not have any age restrictions. We can see if there has been any commentary by
111 the State either way.

112 Laurie Collins, 37 Garrison St: Our understanding is that it's going to be 40B over 62, that is what is
113 going to be housed on 36 Garrison.

114 Goodwin: I believe that is the intent based on the documents we've received.

115 L Collins: Maybe I need to be educated on this, but everything that I've read on the 40B law, it is for
116 singles, families and seniors, not to be age, race, sex, whatever discrimination. So, what is it? What are
117 they proposing?

118 Goodwin: The proposed project that is with the State right now is for a senior housing development that
119 they are proposing to develop under 40B statutes.

120 L. Collins: I didn't think 40B could do that, you can't discriminate. According to the law that I read. So,
121 it's singles, families, and seniors, and they cannot discriminate.

122 Naves: This is how it is being presented to the State. If the State has a situation where it doesn't meet the
123 law, then it wouldn't pass. As far as I know, they can put age restrictions on 40B. MBTA they cannot.
124 There is a difference between the two.

125 Goodwin: At this point, the State of Massachusetts has not approved the project. That approval process
126 has to be gone through and approved before they can even submit an application to the Town.

127 Paul Reardon, 25 Garrison St: It is my understanding, would this just be for Groveland seniors?

128 Goodwin: I don't think there has been any development restriction that has been submitted to the State,
129 from documents that I've seen, the initial intent was for it to be opened up to the greater community, but I
130 don't know what the plans are if any percentage were to be a lottery system. I'm not sure at this point.

131 Reardon: Say out of the 90 units only 20 people qualify, obviously it could be filled by anybody, could it
132 be filled by people under 62?

133 Goodwin: As far as we are aware, the development is for a senior living facility.

134 Reardon: That is proposed, but things change.

135 Goodwin: We can't speculate.

136 Stokes II: When they are here, we can iron that out.

137 Goodwin: From what I understand, it wouldn't just be anyone that could come in, it would adhere to the
138 standards of who they want in here. This is just speculation based on my experience with my family who
139 have been in facilities like this. But again, we do not have anything from the potential applicant on how
140 they're going to guide that selection process.

141 Reardon: Does the Town have any say over this or it is the State? So, say it's filled with 20 units and
142 there is no more seniors who want to go in there, could anyone go in there?

143 Goodwin: This would be privately run, so the Town nor State would have any say in the selection
144 process, is my understanding.

145 Reardon: Does this have a commercial kitchen like a nursing facility?

146 Stokes II: We haven't seen anything.

147 Goodwin: I want to emphasize that the Town has not received any proposal.

148 Resident (did not state name or address): Again, with the 40B, how can you say that it is privately run

149 when they are going to do it under 40B rules. Again, singles, families, seniors, no discrimination. I don't

150 understand the process.

151 Goodwin: As far as the Board is aware, and we are not 40B experts, there are no age restrictions for the

152 process. The intent is not for this to be a State or Town facility. The company would run it in a private

153 manner. We would have to see what their intent is when we have an application.

154 Jane Brown, 40 Garrison St: What is this going to do for growth? If we are going to cover the 10% 40B in

155 the Salem project? What advantage is this going to have for Groveland if this project is passed. If the

156 Salem St project is approved, aren't we covered?

157 Goodwin: Again, we don't have anything in front of us. Right now, there is no approval from the State.

158 Reardon: Have you seen the proposals from Bethany Homes?

159 Goodwin: We received a courtesy copy that they sent to the State. There has been nothing addressed to

160 the Town of Groveland at this point.

161 J Collins: If that zone is single- and two-family homes, we aren't opposed to development, it's zoned for

162 that, with the right frontage and setbacks, but to put that monstrosity in the middle of the neighborhood is

163 ridiculous. Especially if Mr. Daley's project covers the 10%, then we should say that we want them to

164 stay in the zoning that we have.

165 Goodwin: With the Sewell St project we will be over our threshold, but that this is still something we

166 have to manage moving forward. We need to keep in mind that the percentage is something we will need

167 to manage as a community as other projects come in.

168 J. Collins: Behind the Pines is a town owned property, why couldn't a developer put over 60

169 developments there.

170 Naves: We don't own the land on 36 Garrison St, they do. In the will they wanted to have that land. So,

171 until we own that land it will always be open for development.

172 J. Collins: Right and I just said, development is fine if it is within the zoning.

173 Naves: Like Goodwin said and what Senator Tarr said, Safe Harbor is not forever, so if we want Safe

174 Harbor, and they don't want to put senior living, only 90 single bedroom units there and they want to put

175 in three 4-story buildings here, they'll be able to do that is we don't have Safe Harbor. That is why we

176 should actively work with 40Bs to try to get ahead of the game and stay ahead of the 10% so we don't

177 lose Safe Harbor.

178 J. Collins: I agree, if it suits the area. As I just said, Town owns area behind the Pines, why don't you look

179 into something like that. Let's stick one of these in your neighborhood and see how you like it.

180 Reardon: 90 homes in a small neighborhood.

181 J. Collins: Salem Street is different, it is set back, it's on a large area with the buildings on a small area.

182 This is ridiculous.

183 Goodwin: We understand there are strong feelings on this. We cannot comment on what people want to

184 do with their private land.

185 J. Collins: But you can deny it if we are over the limit. I understand what Mr. Naves just said. There is

186 more property that is more realistic. There is land over near the pub with nothing on it. Talk to them and

187 have them put a development in.

188 Goodwin: This is not the Town of Groveland searching out people to do the development.

189 J. Collins: But you are looking for areas.

190 Goodwin: We aren't. This is a private developer, who is potentially submitting an application.

191 J. Collins: That isn't what I heard in Select Board meetings. I heard that there were properties that were

192 looked at that were possibly able to be looked at. Someone within our Town said they are nice big

193 properties that could be developed and let's see if we can make them 40Bs. I'm just saying there are big

194 pieces of property that could be developed on busy roads.

195 Goodwin: Through some of the studies the Town has commissioned, they have identified potential lots
196 that can be used for potential developments, but the Town is not telling developers to develop in these
197 places.

198 J. Collins: But you could approach them and say this is the perfect area, it's in a busy area off the main
199 road, is that something you'd be interested in. You just have to search the plots of land that are near busier
200 streets and larger plots. I think we could find areas for the future that would not impact these small
201 communities. It just seems a shame to put something like that in that kind of neighborhood.

202 Craig Weaver, 25 Cannon Hill Ave: I understand the concept of trying to get ahead of the 40B thing, but I
203 don't see the need to devastate a quiet neighborhood. People brought up excellent points, they're going to
204 be getting constant deliveries. There are going to be 18-wheelers on Garrison St in and out every day.
205 There are a lot of consequences to doing something like this.

206 Goodwin: I want to reiterate we haven't looked at anything yet as a Board.

207 Weaver: I'm just pointing out the obvious that, I understand the 40B thing, but be very selective about
208 where it goes into would be, because we have to stay ahead of it, doesn't mean you have to drop it in the
209 middle of a quiet residential neighborhood. You have to think about the people who live there, the
210 employees who work there, traffic on that street, deliveries, the 18-wheelers. I've been living there 25
211 years I've probably passed three 18-wheelers, now there will be heavy trucks going up and down that
212 road. There's a lot of unintended consequences that's going to change the entire character of the
213 neighborhood and it is unnecessary and the Town does have the ability to say no we are not changing the
214 zoning.

215 Goodwin: Your concerns are very valid and warranted. I can assure you that if a project is submitted to
216 the Town for consideration, all of those points you just mentioned will be points of discussion as part of
217 the deliberation process. There will be public discussion at every meeting.

218 Norma Reardon, 25 Garrison St: Assuming that the applicant gets past the State approval process and
219 now it's time to submit to the Board, can you tell us exactly what will be in their application?
220 Environmental study, traffic study? What things do they have to submit?

221 Goodwin: All of those things would be submitted, just like for any development within Town.

222 Resident (did not state name or address): It seems like they already started that because they put a big
223 machine on one of the neighbor's trees to see the traffic. And they already had an excavator come. It
224 seems like it is already well on its way.

225 Goodwin: I want to discourage that phrase because nothing has been proposed to the Town. I presume
226 they had to do some sort of study for what they had to submit to the State for consideration. But we can't
227 comment on that because nothing has been submitted to us. I assume they had to do some due diligence
228 for what they had to submit to the State.

229 Resident (did not state name or address): But in the letter that they sent, they said 'we have been working
230 with Groveland officials', who have they been working with? And they said they had been in touch with
231 abutters, who? Why can't we find out who they've spoken to because they had to have spoken to
232 somebody.

233 Naves: I asked at the last Select Board meeting. They spoke with the Town Planner and they asked, 'look
234 this is what we want to do' and they were told by the Town Planner the only way to do that is to follow
235 the 40B process.

236 Resident (did not state name or address): In the letter it said Town Officials are on board and so are
237 abutters.

238 Naves: I haven't seen the letter.

239 Goodwin: The Town hasn't weighed in on any part of this project because nothing has been submitted to
240 the Town for consideration. When anything is submitted to the Town for approval it will be submitted to
241 this Board. As for the notice for abutters, I wouldn't think that is something they need to do with the
242 State, but I'm not sure as we are not involved in the process with the State. I'm sure the State would have
243 concerns if abutters were to be notified and they were not.

244 Kathy Weaver, 25 Cannon Hill Ave: Someone wants to develop land and it is zoned for residential, how
 245 do they get passed the zoning? And if you come in and agree to changing the zoning, who houses down,
 246 they can build up?

247 Goodwin: As part of the 40B process, the Board is allowed to amend zoning in certain areas if the Board
 248 allows for the project. The 40B superseded that.

249 K Weaver: So, it is just for that land?

250 Goodwin: Correct. If they develop that lot, it would not impact the buildability of the next lot down.

251 J. Collins: Will we be notified when they submit something?

252 Goodwin: Yes, they will have to send abutters certified mail that they have to show the receipt of to the
 253 Board to prove they sent it out with their application. It is abutters within 300 feet of the proposed
 254 development. If something is submitted, we encourage the public to attend and participate.

255 L. Collins: There is so much going on, so now that we know we will be officially notified by certified
 256 mail when things happen. That's a good thing that we found out today. Mr. Naves, have you been able to
 257 find any information to clarify my question about 40B s and seniors?

258 Naves: I don't see anything that prohibits them from putting in an age restriction.

259 L. Collins: It doesn't say age restriction it says it can't discriminate.

260 Naves: If they put an age restriction on the property and they allow it, it is what it is.

261 Goodwin: I'm taking that question down as well and we will follow up at the next meeting.

262 C. Weaver: That is kind of the scary part, not knowing and they may go, you know what we decided to do
 263 something else and it's too late to stop it. In Georgetown they built 20 units of low income in Longview
 264 Apartments and they were responsible for 97% of the police calls in Georgetown in a single year, those
 265 20 units, everything from break ins to car theirs to armed robbery, all associated with those units.

266 Goodwin: I understand your concerns, but to be honest I don't want to throw around numbers we don't
 267 know are accurate, not to say they aren't, but we don't know if they are, and we don't want to spread
 268 anything.

269 C. Weaver: I understand but that is searchable.

270 Oldham: I can answer the question about age restrictions. You are able to restrict the development by age
 271 for 40B developments. In the most recent regulations released by the State for MBTA zoning you are not
 272 able to restrict age. What the residents are referring to is the affirmative fair marketing plan. When you go
 273 out for the affordable units you need to make sure that you are creating equal housing opportunities for
 274 all. When you go through the 40B process you are going to a subsidizing agency to provide these housing
 275 units. So, what happens with the age restriction, when it is added to a development, you are getting less of
 276 a return from the subsidizing agency to move forward with the development. It's not that you can't do it,
 277 it's just that there is less of an incentive to do it because you're going to get less money from the State.
 278 The state will require that there is a housing lottery that will select the individuals that would get to rent
 279 the units. It is possible to have age restricted 40B developments, it just offers less of an incentive for the
 280 developers.

281 Resident (did not state name or address): Is that for the lifetime of the property?

282 Oldham: That would depend on the subsidizing agency and the affirmative fair marketing plan that is put
 283 in place. Which brings back to the original question, whether it can be limited to Groveland residents
 284 only, and that is usually done through the Local Initiative Program which they call a LIP which is what
 285 allows the local municipality more control over what goes into a particular site. My understanding for this
 286 particular development they are also seeking federal funds so they will not be able to move forward with a
 287 LIP with the same type of documents that we would use in order to allow Groveland residents to get first
 288 preference, but I believe there are other legal documents that can be discussed as part of the process that
 289 would select those individuals for first preference. But as residents have concerns I do as well – once that
 290 individual leaves the unit, how do you maintain that unit will remain affordable in perpetuities. That unit
 291 doesn't have to be the affordable unit, another one can become the affordable unit. It doesn't stay with the
 292 unit but rather the development. It is something that is done through that process and a discussion needs
 293 to be had.

294 L. Collins: Just a little concerned because we are a right-to-house state and there is going to be a need for
295 migrant housing, so if they can't fill this with 62+ are we going to end up with migrant housing. That is a
296 huge concern for the Town, for us, who are direct abutters. We just have to be very careful.

297 Reardon: Shoehorning it in that area with our bad water problem, it doesn't seem like a good idea.

298 Stokes II: Do you know how long the waitlist is for the Groveland Housing Authority, River Pines?

299 Oldham: The last time I checked it was about a 2 year wait. The issue with the Groveland Housing Authority
300 is that because it is Federal Housing, preference isn't only given to Groveland residents it is also for people
301 who are Veterans and those with disabilities.

302
303 **MINUTES**: Approval of the May 1, 2024, and June 5, 2024, meeting minutes.

304 **MOTION**: Grohol motions to approve the minutes. Stokes II seconds the motion. Voting aye; Goodwin,
305 Stokes II, Grohol, Naves. The motion passes unanimously in favor.

306
307 **OTHER ITEMS NOT REASONABLE ANTICIPATED AT TIME OF POSTING**

308 Naves: I guess the most important question is whether or not they'll be able to remove that age restriction
309 from that property and the agreement that the State wanted us to sign for Daley's project would be similar
310 to this project, but it would have an age restriction.

311 Stokes II: If we declare Safe Harbor, how many units can they build?

312 Oldham: Once Daley pulls his building permits, we will have over the required amount.

313 Naves: So, if we get the application from Bethany Homes prior to the building permits, we would not
314 have Safe Harbor.

315 Goodwin: That is my understanding.

316
317 **NEXT MEETING**: August 7, 2024.

318
319 **ADJOURNMENT**

320 **MOTION**: Goodwin motions to adjourn the meeting at 8:23 PM. Grohol seconds the motion. Voting aye;
321 Naves, Goodwin, Grohol, Stokes II. Voted unanimously in favor, the motion passes.

322
323 Respectfully submitted,

324 Annie Schindler, Executive Coordinator