

**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 10-2-2024**

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

Present: Chris Goodwin, Jason Naves, John Stokes II (remote)

Absent: John Grohol, Brad Ligols, Brian Callahan

Staff Present: Rebecca Oldham (Town Administrator)

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

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

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

Oldham: We received another round of comments back from TEC. There were a couple of outstanding items, but all things that can be addressed with the applicant.

Goodwin: Has the applicant's team had a chance to review?

Oldham: Yes, and they will be making their corrections. For the record, it is things like inverts, HydroCAD, more of the technical details.

Goodwin: Hopefully by the next meeting we have the response comments from the applicant's team.

**MOTION:** Naves motions to continue the Sewell Street project to September 18<sup>th</sup> at 7:30. Goodwin seconds the motion. Voting aye; Goodwin, Stokes II, Naves. The motion passes unanimously in favor.

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

Goodwin: For this project we do not have any new information, and nothing has been approved or submitted to the Town in any way. The Board wants to continue to have a section in our meetings for public comment just to make sure the community has a chance to have their voices heard.

Craig Weaver, 25 Cannon Hill Ave: The Select Board was fairly unanimous that they weren't in support of this project, and I want to express that I hope the ZBA listens to what they're saying and takes it to heart.

Elain XXX, 11 Cannon Hill Ave: If it's a 40B and the Town has not met the 10% of affordable units, then the developer doing another project, can they overlook all of the safety aspects? If there is a denial, can they request a lesser number?

Goodwin: It's my understanding that if we meet the 10%, they would not be granted by right and they would have to go through the typical process.

Elain XXX: It was my understanding that the units that were going in off Salem Street, that if they don't have a building permit then those units that are supposed to be affordable, they don't count.

Goodwin: That is correct. If there was a building permit in place, then they would count towards the percentage of affordable housing.

44 Oldham: The site work that is taking place now is part of a State Administrative Consent Order for the  
45 filling of the quarry, which is separate from the construction of the units. The building permit has been  
46 applied for but not issued, because the developer has not yet met the conditions of the decision that ZBA  
47 issued. The units will not count for the Subsidized Housing Inventory until a building permit is issued.

48 Elain XXX: Is that public record? The timeline and where the developer is at?

49 Oldham: We can show you the date the permit was issued, the minutes from the ZBA meetings, we have  
50 most of the information. But where he is personally in that, I can't speak to the private developer. But we  
51 can show what they have met per the permit.

52 Bob XXX, 28 Garrison St: Aren't there some requirements in there about the Town meeting certain  
53 requirements year over year?

54 Oldham: I believe you are referencing the Housing Production Plan which has goals for us to reach our  
55 10%. That is not a state set regulation, we just have to reach our 10%, but it doesn't matter how you get  
56 there.

57 Kathy Kastrinelis, Hillview Rd: Senator Tarr spoke about something like this takes a long time. Is there a  
58 difference in the process if it is friendly or unfriendly?

59 Goodwin: All 40B projects are submitted to the State for approval of a 40B status.

60 Oldham: In order to move forward with the 40B process, a developer has to apply with a subsidizing  
61 agency. The last project was with MassHousing. In either case, they must go to the subsidizing agency,  
62 whether friendly or unfriendly. They will then ask the executive body, the Select Board, for comments  
63 which they take into consideration and issue a Site Approval letter. Once that is issued the developer is  
64 able to file for a Comprehensive Permit with the Zoning Board. Whether it is friendly or unfriendly, the  
65 process is the same.

66 Kathy Kastrinelis: The subsidizing agency is this Executive Office of Housing and Livable Communities  
67 (EOHLC)?

68 Oldham: EOHLC is the entity that Bethany Communities is attempting to get a tax credit from in order to  
69 move forward with their project. For the project of Salem St, they went through MassHousing.

70 Kathy Kastrinelis: What is the likelihood that this other project could receive the same kind of approvals  
71 that Sewell St received and because Sewell St hasn't provided Safe Harbor, we would have to show a  
72 significant endangerment, is there anything to say?

73 Goodwin: I don't know if Town boards should be commenting on that. I personally know of any  
74 developments that have been denied when the community doesn't have their affordable housing.

75 Kathy Kastrinelis: The senator said it takes years for these to get through, how long does it take from the  
76 time the applications comes through, for you to do what you have to do, and then get approved?

77 Naves: It depends on the quality of information they bring. If it is good information, it will take a lot less  
78 time. If they feel like we're trying to hold this up it could lead to the Town getting in trouble.

79 Oldham: My understanding is that if a building permit is pulled prior to the developer filing an  
80 application, you could then file for Safe Harbor.

81 Unknown Audience Member: That application has to be accurate and to this point Bethany has not been  
82 accurate.

83 Goodwin: There has not been an application filed with the Town. Only the State.

84 Unknown Audience Member: The application they filed with the State has obvious misinformation and  
85 outright lies because they had not contacted abutters. So, there is a discrepancy between the applicant and  
86 the truth.

87 Unknown Audience Member #2: Even under a 40B aren't they required to follow the Town's zoning  
88 regulations? Can the 40B process absolve them of the regulations?

89 Goodwin: The 40B process does give them some leeway to work outside of the regulations.

90 Naves: It does allow to circumvent most bylaws without question and that's why Sewell St is in an  
91 industrial zone rather than residential.

92 Jane Brown, Garrison St: There are some towns in Massachusetts that [recording not clear] Brookline,  
93 Falmouth, Marion, Marlborough, Newbury, and Waltham. How did they reject their 40B projects and  
94 why can't Groveland do that?

95 Goodwin: I am not familiar with the situation in all of those communities, but it is likely that they were  
96 above their 10% threshold.

97 Jane Brown: Today they had survey people all over the site. They already stated that the sewer was too  
98 small, and they would have to dig up Garrison St. So, something like that arises, how does the Town  
99 handle that? Does Bethany Homes handle that?

100 Naves: That goes to working with the developer like Swell St who put in sewer. If we are willing to work  
101 with them, they can make it work. I wasn't aware that the sewer needed to be updated, the Water & Sewer  
102 Superintendent said that the water and sewer in the road was new.

103 Jane Brown: Maybe but not to accommodate 90 people and if you have two people it could be over 150  
104 people. I'm just concerned that they're doing more surveying. Why would they be spending money? Do  
105 they already know it's going to be approved?

106 Goodwin: I don't know if they were given any additional guidance. But if I were a business owner, I  
107 would want to take the steps that I would need to be prepared for whatever project was incoming. It is  
108 their right to do that kind of work.

109 Jane Brown: Bethany Homes, seeing the backlash that's already happened, why would they even want to  
110 build something like that? They said they have a good relationship with Groveland and right now they  
111 don't. You've given them the option of other places. Are they looking at other places?

112 Goodwin: I do not want to speak for Bathany Homes.

113 Naves: Ultimately Nichols Trust is directing Bathany Homes and that is what they are choosing to do  
114 with it as this time.

115 Art Paradise, 28 Garrison St: Does this Board consider stormwater runoff? Because that is going to be a  
116 huge concern for everyone downstream.

117 Goodwin: This Board would handle that.

118 Art Paradise: Do you know what the stormwater mapping is for that?

119 Goodwin: No that is something that would be provided with the application.

120 Art Paradise: Who within the Town would know the mapping of the stormwater runoff?

121 Goodwin: The Town does not keep records of every plot of land and what the stormwater...

122 Art Paradise: I'm asking for run off for the stormwater drains.

123 Goodwin: As part of the application the applicant would have an engineer who would do renderings and  
124 studies...

125 Art Paradise: That is not my question. Who in Town controls the storm drains?

126 Naves: The Highway Department.

127 Unknown Audience Member #3: It just seems like it's in a bad spot with two blind spots.

128 Goodwin: There would be a traffic study as part of the application.

129 Unknown Audience Member #3: Do they conduct the traffic study or is it the Town?

130 Goodwin: The applicant would do it and our peer review consultant would validate it independently.

131  
132 MINUTES: Approval of the July 10, 2024, meeting minutes.

133 MOTION: Naves motions to approve the minutes for Wednesday July 10, 2024. Stokes II seconds the  
134 motion. Voting aye; Goodwin, Stokes II, Naves. The motion passes unanimously in favor.

135  
136 CORRESPONDENCE: 141 Washington Street – Enforcement

137 Oldham: The Building Inspector received complaints about the parking and storage of vehicles at the site  
138 and it is not in compliance with the bylaws.

139  
140 OTHER ITEMS NOT REASONABLE ANTICIPATED AT TIME OF POSTING

141 *None.*

142  
143 NEXT MEETING: September 18, 2024.

144  
145 ADJOURNMENT

146 **MOTION:** Naves motions to adjourn the meeting at 8:07 PM. Goodwin seconds the motion. Voting aye;  
147 Naves, Goodwin, Stokes II. Voted unanimously in favor, the motion passes.

148

149 Respectfully submitted,  
150 Annie Schindler, Executive Coordinator