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Town of North Reading
Massachusetts

TOWN CLERK
NORTH READING, MA

Board of Appeals

MINUTES Zoning Board of Appeals June 6, 2019 Town Hall, Room 14

Present: Paul O'Leary, Joe Keyes, and Jim Demetri

Also in attendance – Mike Gilleberto, Maureen Doherty, Transcript, Marcy Bailey, Atty. Regante, and Selectman Andrew Schultz

Mr. O'Leary opened the meeting at 3:00 PM

40B Regulations – Draft for adoption – review & possibly vote on

3:01 – revised to eliminate subdivision of land during the application stage.

After the application is received the hearing will be scheduled. The application should include all waivers and monies received would go into the general fund, into a special account. All fees would be collected up front and if relief is requested and granted, funds could be refunded.

3:02 – a) changed to \$50, b) changed to \$50.

4:00 – a) majority vote in a 40B – this is a state law and does not need to be unanimous. Appeals would go to the Select Board.

Attorney Reganate followed along with the state regulations. He said these new regulations will be good for abutters and new developers. It was said that the process for 40B developments is more of a negotiating process. Mr. Demetri said this will be a good working document for future boards. Mr. O'Leary spoke of how he formed a sub-committee in the past that is made up of a group composed of abutters and the developer and a liaison from the ZBA. This group gets together to work things out and brings back recommendations to the board. The sub-committee meetings will be subject to Public Meeting laws and will be posted on the ZBA website.

Mr. O'Leary moved to adopt the Comprehensive Permit Rules and Regulations as discussed and stated, Mr. Demetri seconded the motion; and it was voted 3-0.

Mr. Keyes moved to adjourn the meeting, seconded by Mr. Demetri, and voted 3-0.

Approved  date 7/18/2019

Kathy Morgan

From: Michael P. Gilleberto
Sent: Thursday, June 06, 2019 1:22 PM
To: Kathy Morgan
Cc: Paul O'Leary; Andrew Schultz
Subject: RE: Paul's revisions to the Draft ZBA regulations

Kathy-

Just a few minor comments, respectfully submitted, that I would ask you to forward to the ZBA for its consideration at the 3:00 and/or 7:30 meetings:

1. Section 2.00 (b): "planning board" should read "community planning commission"; "board of selectmen" should read "select board"; "traffic" should read "department of public works"; "plumbing/gas and electrical" should be added to the list of inspectors.
2. Section 4.05: "Board of Selectmen" should read "Select Board".

Thank you,

Mike

Michael P. Gilleberto
Town Administrator
Town of North Reading

From: Kathy Morgan
Sent: Tuesday, June 4, 2019 12:55 PM
To: Paul O'Leary <poleary56@gmail.com>; Andrew Schultz <aschultz@northreadingma.gov>
Cc: Michael P. Gilleberto <mgilleberto@northreadingma.gov>
Subject: Paul's revisions to the Draft ZBA regulations

*Kathy Morgan
North Reading Building Dept.
978-357-5240
Fax 978-664-1713*

TOWN OF NORTH READING ZONING BOARD OF APPEALS
COMPREHENSIVE PERMIT RULES AND REGULATIONS

ADOPTED: June 6, 2019

Section

- 1.00 Purpose and Context
- 2.00 Definitions
- 3.00 Filing, Time Limits, and Notice
- 4.00 Review of Applications and Review Fee
- 5.00 Public Hearing and Decision
- 6.00 Changes in Application
- 7.00 Appeals

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2019 JUN - 7 PM 12:46

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1.00: Purpose and Context

These Rules establish procedures for an application to the zoning Board of Appeals for Comprehensive Permits granted under M.G.L. c. 40B, §§ 20-23 and the regulations promulgated thereunder. They are required by M.G.L. c. 40B, §21 and by 760 CMR 56.00, to facilitate the development of affordable housing in Massachusetts.

These Rules alone are not sufficient to describe comprehensive permit procedures before the Zoning Board of Appeals. They must be read in conjunction with and implemented in a manner consistent with G.L. c. 40B, §§20-23. In addition, the Board's general Rules for conduct of hearings under M.G.L. c. 40A apply to comprehensive permit applications. In case of inconsistency or conflict between those general Rules for conduct and these Rules, these Rules shall govern.

2.00: Definitions

- (a) *Board* means the Zoning Board of Appeals established under M.G.L. c. 40A, § 12.
- (b) *Local board* means any local board or official, including, but not limited to any board of health; community planning commission; conservation commission; historical commission; water, sewer, or other commission; fire, police, department of public works, or other department; building inspector; plumbing, gas; electrical inspectors or similar official or board; select board.
- (c) *Limited Dividend Organization* means any applicant which proposes to sponsor housing under M.G.L. c. 40B; and is not a public agency; and is eligible to receive a subsidy from a state or federal agency and which agrees to limit the dividend on its actual invested equity to the maximum amount allowed by the applicable statute or regulations governing the pertinent housing program (see Section 3.01(i)).

3.00: Filing, Time Limits, and Notice

- i) a complete copy of any and all materials and applications submitted by the applicant to any prospect subsidizing agency or source, including, but not limited to applications for site approval.
- j) a list of each member of the development and marketing team, including all contractors and subcontractors, to the extent known at the time of application. The Applicant shall also be required to disclose its relationship to all such entities.
- k) a list of all prior development project completed by the Applicant, along with a brief description of each such project.

3.02: The application shall be accompanied by a filing fee based upon the number of proposed housing units of:

- a) for Limited Dividend Organizations - \$1000 flat fee plus \$50.00 per unit
- b) for Non-Profit Organizations - \$1000 flat fee plus \$50.00 per unit
- c) for Public Agencies and Local - \$0

3.03: Within seven days of filing of the application, the Board shall notify each local official of the application by sending such official a copy of the list required by § 3.01(h), above, as well as any other information that will enable such local official to assess the proposed project. Based upon that information, it shall also invite the participation of each local official who has a substantial interest in the application by providing such official with a copy of the entire application. In order to allow review by local officials, the Applicant shall provide the Board with twenty-five copies of the completed application, so that all boards, officials and departments may review the same; and one unbound copy for copying purposes. The Applicant shall provide an electronic copy of the plans, so that the plans can be distributed electronically. Additionally an 11"x17" copy of all plans (with matchlines) shall be made available to the Board for copying purposes.

4.00: Review Fees

4.01: When reviewing an application for, or when conducting inspections in relation to, a comprehensive permit application, the Board may determine that the assistance of outside consultants is warranted due to the size, scale or complexity of a proposed project, because of a project's potential impacts, or because the Town lacks the necessary expertise to perform the work related to the comprehensive permit application.

5.00: Public Hearing and Decision

5.01: The Board shall open the public hearing on the application within thirty days of its receipt of an application, but opening the hearing shall not waive its right to contest the completeness of the application. To be deemed complete, the application must include all of the information detailed above. The Board may request the appearance at the hearing of such representatives of local officials as it considers necessary or helpful in reviewing the application. In making its decision, the Board shall take into consideration the recommendations of local officials.

5.02: The Board shall render a decision, based on a majority vote of the Board, within forty days after the closing of the public hearing by the Board, unless such time period is extended by written agreement of the Board and the applicant.

5.03: The Board may dispose of the application in the following manner:

(a) approve a comprehensive permit on the terms and conditions set forth in the application,

(b) deny a comprehensive permit in the event that the proposed project presents adverse impacts to local concerns that outweigh the community's housing needs, or

(c) approve a comprehensive permit with conditions, including but not limited to the number of permitted housing units, the height, size, shape or general appearance of the proposed buildings, the configuration of the site plan, and any other reasonable condition that is necessary to address local concerns while not rendering the construction or operation of such housing uneconomic. In order to assist the Board with determining the permissible extent of conditions, the Board may require that the Applicant provide a revised pro-forma at the Board's request, during the latter stages of the public hearing after the parties have had an opportunity to review the proposed project and any revisions thereto.

5.04: It shall be the applicant's burden to demonstrate that the waiver of any particular local regulation, by-law or ordinance is necessary in order to maintain the project's economic viability. There shall be a presumption that the waiver of any local by-law, ordinance or regulation will adversely affect local concerns.