

January 4, 2024

Seekonk Zoning Board of Appeals  
Gary S. Sagar, Chairperson  
Seekonk Town Hall  
100 Peck Street  
Seekonk, MA 02771

Subject:      Firefly Apartments – Comprehensive Permit  
                  320 Fall River Avenue Seekonk, MA

Dear Mr. Chairman:

Hancock Associates has been hired to assist the Board of Appeals in their review of the proposed Comprehensive Permit Project at 320 Fall River Avenue to be known as Firefly Apartments through a grant from the Technical Assistance Program of the Massachusetts Housing Partnership (MHP). MHP engages qualified consultants to assist the Zoning Board of Appeals (ZBA) in navigating and understanding underlying development issues and impacts as they relate to the process and regulations associated with evaluating a Comprehensive/40B permit. Consultants also help facilitate productive discussions with developers and in most cases, communities receiving technical assistance from MHP have successfully negotiated comprehensive permits on terms mutually agreeable to both the municipality and developer.

Hancock Associates has completed an initial review of the Comprehensive Permit submission and offer the following as initial guidance to the Board.

**Documents Reviewed**

1. Comprehensive Permit Application unsigned and not dated.
2. Firefly Apartments Project Narrative
3. Figure 1 Project Overview
4. Figure 2 Photograph of Greenbrier WWTF
5. List of Requested Waivers
6. MassHousing Project Eligibility Letter dated May 19, 2023
7. Certificate of Good Standing 320 Fall River LLC dated November 4, 2023
8. Certified Abutters List October 24, 2023/
9. Site Plan prepared by Caputo & Wick, dated 8/2022 containing four sheets, unstamped.
10. Existing Conditions Plan prepared by Caputo & Wick, dated March 2, 2006,

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containing four sheets, signed and stamped by Anthony A. Caputo, P.L.S,

11. Architectural Floor Plan and Elevations prepared by AJA Group, Inc., dated November 6, 2020, containing five sheets, prepared for the Greenbrier II project, unstamped.

### **Initial Review of Submission**

The governing regulations (760 CMR 56) require an applicant to meet three main criteria for consideration of a Comprehensive Permit before a Zoning Board of Appeals:

- The Applicant is required to have site control.  
**320 Fall River LLC, H. Charles Tapalian, signatory owns the subject property per Quitclaim Deed Bristol Registry of Deeds Book 11049 Page 12 from Seekonk Golf, Inc. The Applicant has provided proof of site control. The Applicant should complete the record by providing a copy of the deed.**
- The Applicant must have received a Site Eligibility Letter  
**Mass Housing issued a Project Eligibility Letter (PEL) on May 19, 2023. The project does not appear to have changed since the letter was issued.**
- The Applicant must be a Limited Dividend Organization (LDO)  
**320 Fall River LLC would become a Limited Dividend Organization upon execution of the required Regulatory Agreement.**

760 CMR 56.05 contains the required elements of a submission of a Comprehensive Permit to the Zoning Board of Appeals. The following is a review of the submission regarding these requirements:

- Preliminary site development plans with the locations and outlines of proposed buildings; the proposed locations, general dimensions, and materials for streets, drives, parking areas, walks and other paved areas; and proposed landscaping improvements. Any project of five or more units must have a site plan stamped by a registered professional architect or engineer.  
**The applicant has partially satisfied this requirement. A Plan set has been submitted prepared by Caputo & Wick, dated March 2, 2006. The plan should be stamped by a Professional Engineer. The plans also do not show the location of proposed hydrants. The Existing Conditions Plan does not depict existing utilities in Fall River Avenue. A Landscape Plan was not included. There is also no preliminary details provided for the proposed wastewater treatment facility or effluent fields. The Applicant should update the plans with this required information.**
- An existing condition report on the proposed site and the surrounding areas.  
**The applicant has partially complied with this requirement. An existing condition plan prepared by Caputo & Wick, dated March 2, 2006, containing**

**four sheets, signed and stamped by Anthony A. Caputo, P.L.S. The plan depicts flagged wetland areas but is 17 years old. In Massachusetts, wetland delineations are good for three years. The plan also lacks existing utility information. The Applicant should update the plan and provide an existing conditions report detailing the availability of municipal water and comment on the adequacy of the water supply based on the projected demand.**

- Preliminary, scaled architectural drawings prepared by a registered architect, with typical floor plans, elevations, and sections, including construction type and finishes.

**The applicant has submitted architectural floor plans prepared by AJA Group, Inc., dated November 6, 2020, containing five sheets, prepared for the Greenbrier II project, unstamped. The Applicant should update the plan for this project. In accordance with 760 CMR 56.05, this plan is required to be prepared by a Registered Architect.**

- Tabulation of proposed buildings by type, size, and footprint, impervious coverage, and open space, including percentage of tract to be occupied by buildings, parking and paved vehicular areas.

**The applicant has not complied with this requirement.**

- A preliminary subdivision plan if the project involves a subdivision.

**The project does not involve subdividing the parcel.**

- A preliminary utilities plan (water, wastewater, drainage, and storm water management facilities).

**The applicant has partially satisfied this requirement. The site plan referenced above shows some utility information, however the location of proposed hydrants and wastewater treatment facilities do not appear on the plan.**

- A list of Waivers from local bylaws and regulations.

**The applicant has initially satisfied this requirement. The Applicant is requesting several waivers of entire bylaws or regulations such as Stormwater and Wetlands Bylaws. The Applicant should revise their list of exception with more specificity as to where the project does not meet these bylaws and regulations.**

### **Additional Materials**

Although the Applicant has partially complied with the minimum submission requirements of 760CMR 56.05. The Board may request additional materials as you deem necessary in review of the project. Based on our experience with projects of this size, we offer the following as suggestions that could be presented to the applicant as formal requests for additional information:

1. Soil Test Logs
2. Projected Water Demand

3. Projected Sewer Flow Information
4. Tabular Analysis per 760 CMR 56.05
5. Full Traffic Impact Analysis (TIA)
6. Assessment of offsite sidewalk to Taunton Avenue
7. Preliminary Fiscal Impact Analysis (voluntary)
8. Hydrant Flow Test
9. Preliminary Wastewater Design and Groundwater Design Mounding Analysis for the Effluent Fields

**Procuring peer review consultants**

The Board is allowed to engage peer review consultants to assist the Board and town staff with technical review. The reviews can include, civil, traffic, architecture, and any other technical issues that may arise germane to the Board's review. Hancock can help the Board in contacting competent consultants to establish scopes and obtain cost proposals.

**Comments from other municipal boards and committees, town staff**

The application has been distributed to town boards and departments for comment. Hancock can assist with organizing this input as well as outreach and education to town officials regarding their important role in the process.

The Board should be receiving comments from the following:

Planning – John Aubin III Town Planner  
Building Official – Jeff Melon, Building Inspector  
Conservation Commission – Adeline Bellesheim, Conservation Agent  
Fire Department – Chief Sandra Lowery  
Health Department – Brian Darling, Health Agent  
Police Department – Chief David Enos  
Public Works – David Cabral, P.E., Superintendent  
Water District - Joseph Chauvin, Commissioner  
Parks & Recreation Committee – Erica Harris-Grimes, Coordinator

We will review comments as they are received and work with staff to the extent needed to assist the Board in tracking comments for possible conditions.

**Project Impact of Community Housing Goals**

The project's 280 rental units would bring Seekonk from the current Subsidized Housing Inventory (SHI) status of 5.4% to 10% based on the current 727 SHI units of the 6,014 total housing units in the town based on the EOHLC SHI dated June 29, 2023, and the addition of the 240 units from Greenbrier II adjudicated after the issuance of the SHI. The Town of Seekonk should confirm with EOHLC that the 240 Greenbrier units have been booked to the SHI. These 204 units will count for one year from the May 24, 2023 decision date unless a building permit is issued.

### **Workshops**

The Board may entertain conducting a narrow topic workshop with the Applicant and his team. This would be outside the realm of the Public Hearing Process and meet Open Meeting Law if only one Zoning Board member attended. The Applicant would bring his team. There is also an opportunity to invite the neighborhood to partake if they could appoint a representative. The meeting would be held during the day and be held in a public place. The purpose of the meeting would be to discuss a few of the Board's key concerns and negotiate possible resolution in a working session format around a table with the plans. While the public can observe the meeting, it would be best to restrict discussion to those at the table during the session. I could moderate the session. No decisions can be made at this meeting. All information would be brought to the next public hearing and reviewed with the rest of the board and public. I have found this to be fruitful in the past if everyone works in a spirit of cooperation with a focused agenda and goals.

### **Coordinating the project review schedule**

The regulations give the Board 180 days from the opening of the public hearing to close the hearing. The Board is opening the Public Hearing on December 21, 2023. The 180 days would bring us to Tuesday June 18, 2024. Assuming the Board uses the full 180 days, we have put together a rough schedule of potential topics for the six hearing dates.

December 21, 2023

- Overview of the 40B Process
- Initial presentation by applicant
- Initial comments from staff, boards, and departments.
- Open discussion to the public.
- Discuss future schedule and schedule site walk.

January 8, 2024

- Formal Request of Additional Information
- Discuss Engaging Civil Engineering Peer Review
- Responses to Initial Departmental Comments
- Responses to Public comments from First hearing

February 2024

- Civil Engineering Peer Review
- Discuss Traffic Peer Review
- Discuss Open Issues

March 2024

- Landscape Design
- Mitigation of Neighborhood Concerns
- Landscape Design/ Buffering and Screening

April 2024

- Architectural Design Review

- Follow up on Other Open Items
- Begin discussion of possible conditions and waivers

May 2024

- Clean up loose ends
- Begin framework of draft decision
- Close Hearing

Third party peer review may impact the schedule due to scheduling with engineering firms.

Hancock suggests the Applicant's team compile a response letter to this letter to assist the Board with their review.

We look forward to assisting the Board in this complex and dynamic process. Please do not hesitate to contact me should you have any questions or comments.

Sincerely,  
Hancock Associates,



Joseph D. Peznola, PE  
MHP Consultant