

**BLATMAN, BOBROWSKI, HAVERTY & SILVERSTEIN, LLC**  
ATTORNEYS AT LAW

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JONATHAN M. SILVERSTEIN  
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January 25, 2024

Zoning Board of Appeals  
P.O. Box 250  
Dover, MA 02030

**RE: Land on Troutbrook Road, Chickering Drive and Edgewater Drive  
Application for Comprehensive Permit, Pursuant to G.L. c.40B, §21**

Dear Members of the Zoning Board of Appeals:

In advance of the continued public hearing this evening, please accept this letter as a final summary of the results of the public hearing process and peer reviews, and as a brief response to comments recently received from opponents of the project.

**A. The Project**

As the Board is aware, this is a very modest project, comprised of four single-family homes, each to be located on a separate lot in excess of one acre. One of the homes will be deed restricted in perpetuity to be affordable to a household earning no more than 80% of the Area Median Income, providing a unique opportunity for a family to purchase a single-family home in Dover at an affordable price.

The project is a “scattered site” project, meaning that some of the lots are not contiguous with one another. However, they are all located in the same neighborhood, and MassHousing issued a Project Eligibility Letter, thereby authorizing the applicant to proceed with a comprehensive permit application before the Board. This issue was previously addressed in my correspondence to the Board, dated October 26, 2023 and recent comments by a resident regarding this issue are further addressed below.

**B. Public Hearing and Peer Reviews**

The application for this project was filed on July 10, 2023. Although projects of this size are not required to include architectural plans, the applicant nevertheless did submit such plans with its application. The public hearing on this application was opened on August 3, 2023.

At a continued public hearing session on September 12, 2023, the applicant readily agreed to the Board's request that it fund a peer review of the civil engineering/stormwater design by Tetra Tech. At that hearing session, the Board also indicated it intended to retain an architectural peer review. The applicant objected to incurring this significant expense for such a small project and noted that no other development of single-family homes on single lots in Dover is required to incur such expense or undergo any type of design review. These points were further emphasized in my letter to the Board, dated September 20, 2023. Nevertheless, at its hearing session on September 28, 2023, the Board directed the applicant to fund an architectural peer review, and the applicant has done so. Although there is no requirement to submit a stormwater management plan for single-family homes, the applicant did this as well.

During the course of the public hearing, two stated concerns were raised regarding this modest project: (1) whether the project would have adverse stormwater, groundwater or wetland impacts; and (2) whether the design and siting of the proposed single-family homes would adversely affect the aesthetics of the neighborhood. As noted above, the Board retained experts to peer review each of these issues.

**1. Stormwater, Groundwater and Wetlands**

The Board retained Sean Reardon of Tetra Tech, a well-respected engineering expert with particular expertise in stormwater and groundwater issues. During the course of his review, Mr. Reardon provided initial feedback, requested and obtained additional information from the applicant's engineer and made certain recommendations regarding changes to the design of the project, which were incorporated by the applicant's engineer into the most recent plan revisions. By letter dated January 16, 2024, Mr. Reardon informed the Board:

The revised submittals address all our substantive technical concerns and comments, and we require no additional or revised documentation. **The design provided is thorough and demonstrates the Projects can be built as shown in compliance with applicable state wetlands and wastewater regulations.** [Emphasis added]

In his January 16 correspondence, Mr. Reardon reviewed each of his previous comments and the applicant's responses, determining that each of his comments had been fully resolved. He concluded his letter, stating: "We appreciate the thoughtfulness of the responses and the clarity

of the documentation provided and find it suitably complete to serve as Preliminary Plans for a Comprehensive Permit decision.”

Although it is likely that some opponents of the project will be disinclined to accept this clear and unequivocal endorsement of the project design by the Board’s own peer reviewer, speculative and unsubstantiated conclusions by non-experts is not a proper basis to deny an affordable housing project proposed under Chapter 40B, particularly where (as here) such conclusions are flatly contradicted by the expert retained by the Board to evaluate these matters. Indeed, such “unsubstantiated claims or speculative personal opinions” would not even be sufficient to confer standing on an abutter to challenge the issuance of a special permit. See, e.g., Denneny v. Zoning Bd. of Appeals of Seekonk, 59 Mass. App. Ct. 208, 212 (2003)

Accordingly, given the conclusions by the Board’s peer review engineering consultant, there is no basis to deny a comprehensive permit for the project based upon stormwater, groundwater or wetland impacts.

## 2. Architectural Design

As previously discussed, no other development of single-family residences on separate lots has been required to undergo architectural design review in Dover. Nevertheless, this project was required to do so, and the Board retained Cliff Boehmer of Davis Square Architects to conduct that review.

Mr. Boehmer provided his final comments in a letter dated January 23, 2024. The letter contains no significant criticisms regarding the design of the four single-family residences. Mr. Boehmer concludes his letter by noting that “from an architectural perspective, this is a modest project for the Town of Dover.” He goes on to state that, “[h]owever, for the benefit of the future new home owners, as well as the existing neighbors, a meaningful commitment to landscape buffering will help to ensure that the proposed project is a welcome addition to the Town.”

As we have previously advised the Board, it is neither required nor feasible to provide detailed landscaping plans at this time. Moreover, given the length and cost of the hearing process to date, the applicant cannot undertake the additional time and expense necessary to prepare more definitive building plans, as would be necessary to prepare meaningfully detailed landscaping plans.<sup>1</sup> However, as noted in Mr. Boehmer’s letter, the applicant has repeatedly

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<sup>1</sup> See, e.g., Bd. of Appeals of Hanover v. Hous. Appeals Comm. in Dep’t of Cnty. Affs., 363 Mass. 339, 381 (1973) (“the board’s demand that the applicant should submit a revised set of plans for drainage and sewage disposal was unreasonable in view of the fact that new plans would be extremely expensive and that there was considerable doubt whether a permit would be issued by the board even if new plans were forthcoming. Since the board could have issued a permit subject to the condition of tendering a suitable disposal plan and since these plans had to comply

committed to preparing and providing detailed landscaping plans for each lot, once the final design of each house is complete, and prior to issuance of a building permit. The applicant would accept this as a condition of approval of the comprehensive permit and submits that this represents the “meaningful commitment to landscape buffering” suggested by Mr. Boehmer.

Since no significant criticism of the design of the proposed houses is included in Mr. Boehmer’s letter, and since no other single-family residence in the Town is required to undergo any type of architectural design review, the applicant respectfully requests that the Board approve its application.

### **C. Response to Recent Comments**

The applicant is in receipt of a letter dated January 24, 2024 from a number of opponents of the project. In their letter, the project opponents assert three arguments in support of their request that the Board deny the applicant a comprehensive permit:

1. Denial of the Application is required by the Farm Street Trust case,
2. Denial of the Applicant’s waiver requests is required by existing case law, and
3. Denial of the Application is required to remedy an uninformed PEL process.

I will address each of these arguments, in turn.

1. The Farm Street Trust decision, issued 23 years ago under prior regulations, does not justify (let alone mandate) denial of a comprehensive permit for the project.

In their letter, the project opponents recycle an issue that the Board raised early in the public hearing process, and which the applicant addressed in detail, both during the public hearing and in my October 26, 2023 letter to the Board. It is my understanding that the Board has also received advice from its consultant regarding this matter.

I will not repeat here the analysis that I previously provided to the Board. Simply stated, the suitability of the site was a specific finding made by the subsidizing authority, as required under the current regulations, which were adopted subsequent to issuance of the Farm Street Trust decision. Furthermore, as discussed below, MassHousing was specifically aware that this is a scattered site project, gave due consideration to this issue, and specifically noted this fact in its Project Eligibility Letter.

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with State standards, whatever their particular design, the committee's decision that the board had unreasonably rejected the applicant's original plans was warranted.”).

2. Denial of the Waiver Requests is neither permitted nor required.

The project opponents argue in their letter that impacts of the proposed project justify (indeed require) denial of the waiver requests submitted by the applicant. In support of this argument, the opponents state they:

are concerned that the project would negatively affect their home values and lead to increased costs, such as the cost of drilling a new well, and/or installing a filtration system, due to legitimate concerns over the potential water quality impacts of the project on their drinking water.

All of these stated concerns are speculative and unsubstantiated, and none of them would justify denial of a comprehensive permit for the project.

First, the Supreme Judicial Court has held that: “The preservation of real estate values of property abutting an affordable housing development is clearly not a concern that the G.L. c. 40B regulatory scheme is intended to protect.” Standerwick v. Zoning Bd. of Appeals of Andover, 447 Mass. 20, 30 (2006). In any case, the opponents’ bald assertion that the project will somehow impact their property values is completely unsupported. They have offered no expert opinions or evidence of such impacts occurring in comparable situations. Simply stating a “concern” without providing any objective evidence or substantiation of those concerns cannot provide a basis for denial of a comprehensive permit.

Similarly, subjective and unsubstantiated “concerns” the project could impact water quality in the neighborhood does not justify denial of the project. Even where it is “not disputed that the project site and the surrounding area are beset with difficult water problems,” issuance of a comprehensive permit is appropriate where experts confirm “that the proposed measures to control the surface flooding and lower ground water levels would provide an adequate solution to the water problem.” Bd. of Appeals of Hanover, 363 Mass. at 382. Here, both the applicant’s engineer **and the expert independently hired by the Board itself** have explicitly stated that the project design appropriately and adequately resolves any concerns regarding groundwater impacts. In contrast, the project opponents have offered no evidence (expert or otherwise) to support their conjecture that the project will adversely impact groundwater. Such conjecture cannot support the “heavy burden borne by a local board that denies a comprehensive permit application; that burden requires proof of a specific health or safety concern of sufficient gravity to outweigh the regional housing need.” Zoning Bd. of Appeals of Canton v. Housing Appeals Comm., 76 Mass. App. Ct. 467, 473 (2010).

3. Denial of the Project would not be justified based upon the allegedly “uninformed PEL Process.”

The final argument asserted by the project opponents is that the process employed by the subsidizing agency was somehow flawed, and that this justifies denial of a comprehensive permit for the project. Unfortunately, the opponents go further than this and question the ethics and truthfulness of the applicant’s consultants.

As a preliminary matter, it is important to emphasize that the Board has no authority to second-guess the process employed, or the conclusions reached, by the subsidizing agency in issuing a Project Eligibility letter. See 760 CMR 56.04(6) (“Issuance of a determination of Project Eligibility shall be considered by the Board or the Committee to be conclusive evidence that the Project and the Applicant have satisfied the project eligibility requirements of 760 CMR 56.04(1).”).

Putting aside the issue of the Board’s authority to consider this issue, we feel it is important to set the record straight regarding the untrue characterizations of the process employed by MassHousing and the actions taken by the applicant’s consultants.

First, the notion that the Town was not adequately informed about the project or the application the application to MassHousing or the site walk is simply false. On July 5, 2022, prior to submitting the PEL application to MassHousing, Lynne Sweet contacted Laura Harbottle (the Town Planner at the time), stating “I am working on a scattered site project in Dover and was hoping to have a conversation with you about it...now that I know you are working in Dover.” Exhibit 1. Two days later, she sent Ms. Harbottle the plans for the project, and they held a Zoom conference to discuss the project. Exhibit 2.

On August 17, 2022, Ms. Sweet sent Ms. Harbottle a copy of the Project Eligibility Letter application and Ms. Harbottle acknowledged receipt. Exhibit 3. Thereafter, Ms. Sweet and Ms. Harbottle (and Building Inspector Walter Avallone) had numerous email exchanges regarding the scheduling of the MassHousing Site Walk. Exhibit 4. When Ms. Harbottle asked if it would be appropriate for different Town officials to attend the site walk, Ms. Sweet replied, “Anyone can attend other than ZBA members!” Exhibit 4. After the applicant decided to revise the project design to address MassHousing’s comments, the site walk was rescheduled in February 2023, and multiple Town officials were notified of the new date. Exhibit 5.

Secondly, the suggestion that MassHousing was not made aware of and did not consider the fact that this project proposed a scattered site development is patently incorrect. This fact, together with ways to ensure that the design of the project satisfied the uniformity requirements for affordable and market rate units, was the subject of repeated emails between Ms. Sweet and officials at MassHousing. Exhibit 6. Furthermore, Mr. Avallone specifically commented on this fact in an email to MassHousing. Exhibit 7.

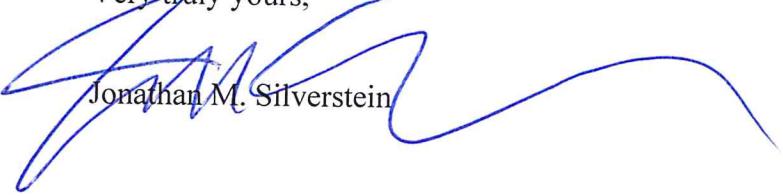
Zoning Board of Appeals  
January 25, 2024

Contrary to suggestions by the project opponents, the applicant and its consultants have acted transparently, ethically and in accordance with all standards and best practices in connection with this application, including the Project Eligibility Letter application process. Likewise, MassHousing gave the Town ample notice of the PEL application and scheduling of the site walk. Indeed, Town officials attended the site walk. Finally, the fact that this is a scattered site project was explicitly raised to and considered by MassHousing prior to its issuance of the Project Eligibility Letter.

For all of these reasons, the applicant respectfully requests that the Board close its public hearing and issue a comprehensive permit for the project.

Thank you for your attention to this matter.

Very truly yours,

  
Jonathan M. Silverstein

cc: Client  
Enclosures

# EXHIBIT 1

**From:** [Lynne D. Sweet](#)  
**To:** [Laura Harbottle](#)  
**Subject:** RE: [Massplanners] Design Guidelines - Commercial Buildings  
**Date:** Tuesday, July 5, 2022 3:34:00 PM  
**Attachments:** [image001.png](#)

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Hello Laura;

I am working on a scattered site project in Dover and was hoping to have a conversation with you about it...now that I know you are working in Dover.

What is good contact info for you and a good time to connect?

Thanks so much.

Lynne



Lynne D. Sweet  
Principal  
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**From:** MassPlanners <[massplanners-bounces@masscptc.org](mailto:massplanners-bounces@masscptc.org)> **On Behalf Of** Laura Harbottle via MassPlanners  
**Sent:** Tuesday, July 5, 2022 3:00 PM  
**To:** [massplanners@masscptc.org](mailto:massplanners@masscptc.org)  
**Subject:** [Massplanners] Design Guidelines - Commercial Buildings

Good afternoon Planners,

The Dover Planning Board recently undertook a study that identified common features in architectural styles in the Dover Village Center. The study was intended to be the basis for guidelines to encourage new construction that is generally consistent in character with what exists now. In this vein, the Planning Board is interested in examples of towns with Site Plan Review where the Planning

Board has adopted design standards for commercial, multi-family and/or industrial sites and buildings, where the standards were adopted as a regulation rather than an amendment to zoning. Thanks so much for any information, lessons learned, advantages/ disadvantages of this approach. Laura

Laura Harbottle AICP, CFM  
Interim Town Planner  
5 Springdale Ave.  
Dover, MA 02030

# EXHIBIT 2

**From:** [Lynne D. Sweet](#)  
**To:** [Laura Harbottle](#)  
**Subject:** Discuss Dover 40B  
**Start:** Thursday, July 7, 2022 9:30:00 AM  
**End:** Thursday, July 7, 2022 10:00:00 AM  
**Location:** <https://us02web.zoom.us/j/83623648158?pwd=ay9MdEtNRUJWakZYSVpNb1hJT2phQT09&from=addon>

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Lynne Sweet is inviting you to a scheduled Zoom meeting.

Join Zoom Meeting

<https://us02web.zoom.us/j/83623648158?pwd=ay9MdEtNRUJWakZYSVpNb1hJT2phQT09&from=addon>

Meeting ID: 836 2364 8158

Passcode: 769553

One tap mobile

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+19292056099,,83623648158#,,, \*769553# US (New York)

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+1 301 715 8592 US (Washington DC)

+1 312 626 6799 US (Chicago)

+1 669 444 9171 US

+1 669 900 6833 US (San Jose)

+1 253 215 8782 US (Tacoma)

+1 346 248 7799 US (Houston)

Meeting ID: 836 2364 8158

Passcode: 769553

Find your local number: <https://us02web.zoom.us/u/kidkDtugj>

**From:** [Lynne D. Sweet](#)  
**To:** [Laura Harbottle](#)  
**Subject:** dover plans  
**Date:** Thursday, July 7, 2022 9:36:00 AM  
**Attachments:** [2022-06-27 Progress Plans.pdf](#)  
[image001.png](#)

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# EXHIBIT 3

**From:** [Lynne D. Sweet](#)  
**To:** [Laura Harbottle](#)  
**Subject:** RE: Dover 40B PEL Has been submitted  
**Date:** Wednesday, August 17, 2022 3:02:00 PM  
**Attachments:** [image001.png](#)

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Hello Laura:

The is the project eligibility application to MassHousing which I think is what you are referring to as site approval. If MassHousing issues a Project Eligibility Letter (PEL) then we apply to ZBA for comprehensive permit. The later is a good 90 days or more out.

Does this answer your question?

You can also request MHP technical assistance for if/when PEL issues to help ZBA.

Lynne



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**From:** Laura Harbottle <[lharbottle@doverma.gov](mailto:lharbottle@doverma.gov)>  
**Sent:** Wednesday, August 17, 2022 2:44 PM  
**To:** Lynne D. Sweet <[ldsweet@ldscopyingroup.com](mailto:ldsweet@ldscopyingroup.com)>  
**Subject:** Re: Dover 40B PEL Has been submitted

Hi Lynne,

Just trying to get clarification, this is the application to MHP for site approval, not the Comprehensive Permit application?

Thanks,  
Laura

On Wed, Aug 17, 2022 at 2:31 PM Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)> wrote:

Hello Laura:

I just submitted the PEL and BOS chair should be receiving a hard copy notebook in the next few days.

For your records, please follow the link below for an electronic copy:

<https://ldscg.egnyte.com/f/WT6k56jXCL>

Please note that the documents should be downloaded as the link will expire in the new week or so.

The next step is typically for MassHousing to reach out to you to set up a site walk and to start the towns 30 day review period once they deem the application complete.

Please let me know if you want us to attend a BOS or other meeting in town to discuss the project.

Thank you very much.

Lynne



Lynne D. Sweet

Principal

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# EXHIBIT 4

**From:** [Lynne D. Sweet](#)  
**To:** [Laura Harbottle](#)  
**Subject:** RE: site walk  
**Date:** Thursday, August 25, 2022 11:22:00 AM  
**Attachments:** [image001.png](#)

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Anyone can attend other than ZBA members!



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Principal  
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**From:** Laura Harbottle <[lharbottle@doverma.gov](mailto:lharbottle@doverma.gov)>  
**Sent:** Thursday, August 25, 2022 11:21 AM  
**To:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>  
**Subject:** Re: site walk

It sounds like on the last one of these, the Planning Board Chair might have attended, I don't know about representatives of the ConsComm or other boards. Please let me know if you want/don't want them to attend.

Thanks,  
Laura

On Thu, Aug 25, 2022 at 11:09 AM Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)> wrote:

I will be there for the client.  
Mike Busby will be there from MassHousing.  
Always good to invite BOS, police, fire, conservation etc.  
Lynne



Lynne D. Sweet  
Principal  
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---

**From:** Laura Harbottle <[lharbottle@doverma.gov](mailto:lharbottle@doverma.gov)>  
**Sent:** Thursday, August 25, 2022 11:06 AM  
**To:** Lynne D. Sweet <[ldsweet@ldscopyinggroup.com](mailto:ldsweet@ldscopyinggroup.com)>  
**Subject:** Re: site walk

Hi Lynne,

Will do. I assume you will be there and the representative of MHP, is there anyone else you know about?

Thanks,

Laura

On Thu, Aug 25, 2022 at 10:57 AM Lynne D. Sweet <[ldsweet@ldscopyinggroup.com](mailto:ldsweet@ldscopyinggroup.com)> wrote:

Hello Laura:

MassHousing would like to schedule a site walk at 11:00 pm on September 14<sup>th</sup>.

Can you let department heads know?

We can meet at The trout brook road site.

Thank you.

Lynne



Lynne D. Sweet  
Principal  
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**From:** Lynne D. Sweet  
**To:** [Laura Harbottle; MBusby@masshousing.com](mailto:Laura.Harbottle@masshousing.com)  
**Cc:** [Chris Dwelley; Walter Avallone](mailto:Chris.Dwelley@doverma.gov)  
**Subject:** RE: Dover Contact, Trout Brook Rd. Development  
**Date:** Thursday, September 1, 2022 5:39:00 PM  
**Attachments:** [image001.png](#)

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Great, hello Walter, very nice to meet you. My cell is 617 571 2064 if you have any questions on the morning of the site walk.



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**From:** Laura Harbottle <[lharbottle@doverma.gov](mailto:lharbottle@doverma.gov)>  
**Sent:** Thursday, September 1, 2022 10:27 AM  
**To:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>; [MBusby@masshousing.com](mailto:MBusby@masshousing.com)  
**Cc:** Chris Dwelley <[ccdwelley@doverma.gov](mailto:ccdwelley@doverma.gov)>; Walter Avallone <[wavallone@doverma.gov](mailto:wavallone@doverma.gov)>  
**Subject:** Dover Contact, Trout Brook Rd. Development

Hi Lynne,  
Please use Walter Avallone, Dover Building Inspector, as your point of contact with the Town of Dover. I was trying to help, but the Town already has an official point of contact for communication on Comprehensive Permits, and he is the one with that role.  
Thanks,  
Laura

Laura Harbottle, AICP  
Interim Town Planner

5 Springdale Ave.  
Dover, MA 02030

# EXHIBIT 5

**RE: Update Dover Homes PEL Application**

Lynne D. Sweet <ldsweet@ldsconsultinggroup.com>

Thu 2/9/2023 7:49 PM

To:Katherine Miller <KMiller@masshousing.com>;rhunter@doverma.gov <rhunter@doverma.gov>;cvalente@doverma.gov <cvalente@doverma.gov>

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Thank you Kat, Scott and I can make it.

LYnne

Lynne D. Sweet  
Principal  
LDS Consulting Group, LLC  
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781-943-3963  
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**Subject:** RE: Update Dover Homes PEL Application

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Best,  
Kat

 masshousing\_logo

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**Kat Miller**

Planning and Programs Specialist  
Cell: 351-220-8215  
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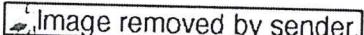
Since I have not seen any proposal for the the Dover Homes PEL perhaps I am premature in my observation of LSD's proposal but would like to make a point.  
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Although two of the lots abut one another the other two parcels do not and in fact are quite separated from one another.

If an affordable project is being proposed, it is common knowledge that Special Permits for these projects generally provide for exemptions to zoning by-laws but generally are developed on a single parcel that require these kinds of exemptions to foster the development.

As mentioned I have not seen any kind of proposal and as the Zoning Enforcement Officer I have to ask, and be concerned, that one unit would be affordable to satisfy the requirements (20%) so does this provide 3 market value units a back door into negating the towns by-laws simply by proposing it as a 40B project.  
Respectfully,

**Walter Avallone**  
**Building Inspector**  
**Town of Dover**  
**5 Springdale Avenue**  
**Dover, MA 02030**  
**508-785-0032 x225**



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Good Afternoon:

Please see the attached letter of explanation and link to revised documents below:

<https://ldscg.egnyte.com/fI/crjQpu7soa>

We thank you for your patience and look forward to meeting you on a site walk soon.

Thank you.  
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## RE: Update Dover Homes PEL Application

Katherine Miller <KMiller@masshousing.com>

Tue 2/14/2023 9:33 AM

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Good Morning All –

MassHousing and the Applicant team are confirmed for tomorrow's 9:30am site visit, being conducted in connection with MassHousing's Project Eligibility review. Please let us know if any representatives from the Town will be joining us.

Thank you,

Kat

 masshousing\_logo

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### Kat Miller

Planning and Programs Specialist

Cell: 351-220-8215

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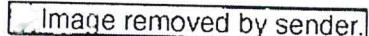
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Building Inspector  
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508-785-0032 x225

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# EXHIBIT 6

RE: MassHousing on Dover

Katherine Miller </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B7302A540B34421499E787A6CF0E9771-KATHERINE M>

Wed 9/21/2022 8:33 AM

To:Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>;Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>

Hi Lynne, The town comment period will resume once the design updates are submitted. We will also reschedule the site visit at that time.

Thanks,

Kat

**From:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>

**Sent:** Tuesday, September 20, 2022 7:09 PM

**To:** Katherine Miller <[KMILLER@masshousing.com](mailto:KMILLER@masshousing.com)>; Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>

**Subject:** RE: MassHousing on Dover

So what should we do about the site walk and town comment period?

I am still dealing with some health issues so it will probably take at least a week to get this going since we need new engineering etc.

Lynne

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**Sent:** Tuesday, September 20, 2022 12:59 PM

**To:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>; Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>

**Subject:** RE: MassHousing on Dover

Yes, please resubmit all relevant documents via the online application. The town should also get a copy of the submitted changes (I'm happy to confirm we have what we need before that submission is made).

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**Sent:** Tuesday, September 20, 2022 12:53 PM

**To:** Katherine Miller <[KMILLER@masshousing.com](mailto:KMILLER@masshousing.com)>; Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>

**Subject:** RE: MassHousing on Dover

Good news!

What needs to be updated application wise or should I just determine which docs / numbers are impacted and re-submit?

Let me know your thoughts.

Thank you

Lynne

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**From:** Katherine Miller <[KMiller@masshousing.com](mailto:KMiller@masshousing.com)>  
**Sent:** Tuesday, September 20, 2022 12:06 PM  
**To:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>; Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>  
**Subject:** Re: MassHousing on Dover  
  
Hi Lynne,  
So long as the attached elevation is the same for both affordable and market unit types, we should find it acceptable.  
Thanks,  
Kat  
[Get Outlook for iOS](#)

**From:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>  
**Sent:** Monday, September 19, 2022 5:11:05 PM  
**To:** Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>; Katherine Miller <[KMiller@masshousing.com](mailto:KMiller@masshousing.com)>  
**Subject:** FW: FW: MassHousing on Dover  
  
Hello:  
As I explained, the front façade is the same, just not building out some of the interior space.  
Hopefully this is acceptable  
Please let me know.  
THank you  
Lynne

Lynne D. Sweet  
Principal  
LDS Consulting Group, LLC  
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**From:** Erin Fullam <[efullam@cmearchitects.com](mailto:efullam@cmearchitects.com)>

**Sent:** Monday, September 19, 2022 4:01 PM

**To:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>

**Subject:** Re: FW: MassHousing on Dover

Hi Lynne,

This will be the Front Exterior for both the Market and Affordable. Let me know if you need anything else.

**Erin Fullam**

Principal

Image removed by sender. CME Architects, INC.

508-809-3509, ext. 6604

401-641-5911

[efullam@cmearchitects.com](mailto:efullam@cmearchitects.com)

[www.cmearchitects.com](http://www.cmearchitects.com)

6 Wilkins Drive, Suite 210 Plainville, MA 02762-5019

On Mon, Sep 19, 2022 at 9:29 AM Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)> wrote:

Can you provide a façade plan on showing the outside of the market and the affordable? I don't think they understand that it will be the interior that won't be built out and they will look the same from the outside Lynne

Lynne D. Sweet

Principal

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**From:** Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>

**Sent:** Monday, September 19, 2022 9:20 AM

**To:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>

**Cc:** Katherine Miller <[KMiller@masshousing.com](mailto:KMiller@masshousing.com)>

**Subject:** Fwd: MassHousing on Dover

Hi Lynne,

As we mentioned, the Guidelines are very clear that the exterior of affordable units must be indistinguishable from the market rate units. Guidelines Section IV4(a) We explicitly cannot deviate from this rule and approve an "Alternative Development Plan" for financial reasons. Guidelines Section IV(4)(e).

This is not to be confused with MassHousing's previous approval of different **types** of units (both market and affordable) in larger projects.

Therefore, unfortunately, we can not approve the design of the affordable as proposed.  
Thanks,

Jess

One Beacon Street, Boston, MA 02108  
[Twitter](#) | [Facebook](#) | [LinkedIn](#) | [Newsletter](#)

**Jessica L. Malcolm**  
Manager  
Planning and Programs  
O: (617) 854-1201  
C: (978) 908-9683  
[jmalcolm@masshousing.com](mailto:jmalcolm@masshousing.com)  
[www.masshousing.com](http://www.masshousing.com)

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**From:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>

**Sent:** Friday, September 16, 2022 9:29 PM

**To:** Denise St. Vistal <[DSt.Vistal@masshousing.com](mailto:DSt.Vistal@masshousing.com)>

**Cc:** Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>

**Subject:** MassHousing on Dover

Hello:

I have been working with the architect and civil engineer and here is what we think we can fit (see attached)

So: Affordable: 2716sqft (less interior space over garage not finished)

Market: 3092sqft

If you think this works on your end, I will crunch the numbers and if the work, what documents should be resubmit?

New numbers?

New civil dimensions etc.??

Thank you.

Lynne

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**RE: Dover - 4 home scattered lot again**

Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>

Tue 10/4/2022 9:24 AM

To:Katherine Miller <[KMiller@masshousing.com](mailto:KMiller@masshousing.com)>;Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>

Great, thank you!

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**From:** Katherine Miller <[KMiller@masshousing.com](mailto:KMiller@masshousing.com)>  
**Sent:** Tuesday, October 4, 2022 9:16 AM  
**To:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>; Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>  
**Subject:** RE: Dover - 4 home scattered lot again

Good morning Lynne,

This arrangement would be acceptable. Thanks for the information.

Best,  
Kat

**From:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>  
**Sent:** Monday, October 3, 2022 8:09 PM  
**To:** Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>; Katherine Miller <[KMiller@masshousing.com](mailto:KMiller@masshousing.com)>  
**Subject:** Dover - 4 home scattered lot again

Hello:

Sorry to bother you again.

It looks like we are having an issue with some of the home lots relative to having the garage out front. Since there are four lots, we are looking at having 2 with garages in the front and 2 with garages in the side. Since we will now have two home models, and there will be a market home with the same front as the affordable, is this okay with you?

They will be the same essential footprint.

Lynne

# EXHIBIT 7

**Re: Update Dover Homes PEL Application**

Walter Avallone <[wavallone@doverma.gov](mailto:wavallone@doverma.gov)>

Tue 2/7/2023 2:02 PM

To:Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>  
Cc:Katherine Miller <[KMiller@masshousing.com](mailto:KMiller@masshousing.com)>;Jessica Malcolm <[JMalcolm@masshousing.com](mailto:JMalcolm@masshousing.com)>;Scott Goddard -  
Goddard Consulting, LLC ([scott@goddardconsultingllc.com](mailto:scott@goddardconsultingllc.com)) <[scott@goddardconsultingllc.com](mailto:scott@goddardconsultingllc.com)>;Dan Merrinkin  
<[dan@legacy-ce.com](mailto:dan@legacy-ce.com)>;Erin Fullam ([efullam@cmearchitects.com](mailto:efullam@cmearchitects.com)) <[efullam@cmearchitects.com](mailto:efullam@cmearchitects.com)>;Laura Harbottle  
<[lharbottle@doverma.gov](mailto:lharbottle@doverma.gov)>;Chris Dwelley <[cdwelley@doverma.gov](mailto:cdwelley@doverma.gov)>

Thank you.

**Walter Avallone**  
**Building Inspector**  
**Town of Dover**  
**5 Springdale Avenue**  
**Dover, MA 02030**  
**508-785-0032 x225**

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On Tue, Feb 7, 2023 at 1:40 PM Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)> wrote:

Good Afternoon Mr. Avallone:

The updated application materials have been forwarded to the new town administrator and I will be mailing a hard copy to the chair of the BOS later this week.

If MassHousing deems the application to be complete, they will issue a letter to the chair of the BOS providing a 30 day comment period and setting up a site walk.

This is the very beginning of the process as if a PEL issues, it will go for a full review in front of the ZBA.

Please feel free to call me at 617 571 2064 with any questions on the application and/or process.

Lynne

Lynne D. Sweet  
Principal  
LDS Consulting Group, LLC

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**From:** Walter Avallone <[wavallone@doverma.gov](mailto:wavallone@doverma.gov)>  
**Sent:** Tuesday, February 7, 2023 1:30 PM  
**To:** Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)>  
**Cc:** [kmiller@masshousing.com](mailto:kmiller@masshousing.com); Jessica Malcolm ([jmalcolm@masshousing.com](mailto:jmalcolm@masshousing.com))  
<[jmalcolm@masshousing.com](mailto:jmalcolm@masshousing.com)>; Scott Goddard - Goddard Consulting, LLC  
([scott@goddardconsultingllc.com](mailto:scott@goddardconsultingllc.com)) <[scott@goddardconsultingllc.com](mailto:scott@goddardconsultingllc.com)>; Dan Merrikin <[dan@legacy-ce.com](mailto:dan@legacy-ce.com)>; Erin Fullam ([efullam@cmearchitects.com](mailto:efullam@cmearchitects.com)) <[efullam@cmearchitects.com](mailto:efullam@cmearchitects.com)>; Laura Harbottle <[lharbottle@doverma.gov](mailto:lharbottle@doverma.gov)>; Chris Dwelley <[cdwelley@doverma.gov](mailto:cdwelley@doverma.gov)>  
**Subject:** Re: Update Dover Homes PEL Application

I have received a copy of LDS Consulting Group and need to point out that Robyn Hunter is the Chair for the Town of Dover, not Wilmington.

Since I have not seen any proposal for the the Dover Homes PEL perhaps I am premature in my observation of LSD's proposal but would like to make a point.

The property locations are separate independent lots.

Although two of the lots abut one another the other two parcels do not and in fact are quite separated from one another.

If an affordable project is being proposed, it is common knowledge that Special Permits for these projects generally provide for exemptions to zoning by-laws but generally are developed on a single parcel that require these kinds of exemptions to foster the development.

As mentioned I have not seen any kind of proposal and as the Zoning Enforcement Officer I have to ask, and be concerned, that one unit would be affordable to satisfy the requirements (20%) so does this provide 3 market value units a back door into negating the towns by-laws simply by proposing it as a 40B project.

Respectfully,

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**Walter Avallone**

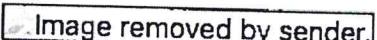
**Building Inspector**

**Town of Dover**

**5 Springdale Avenue**

**Dover, MA 02030**

**508-785-0032 x225**

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On Tue, Feb 7, 2023 at 12:35 PM Lynne D. Sweet <[ldsweet@ldsconsultinggroup.com](mailto:ldsweet@ldsconsultinggroup.com)> wrote:

Good Afternoon:

Please see the attached letter of explanation and link to revised documents below:

<https://ldscg.egnyte.com/f/crjQpu7soa>

We thank you for your patience and look forward to meeting you on a site walk soon.

Thank you.

Lynne

Lynne D. Sweet  
Principal  
LDS Consulting Group, LLC