

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF HOUSING & LIVABLE COMMUNITIES
HOUSING APPEALS COMMITTEE

SHINGLEMILL, LLC., *
Applicant/Appellant, *

v. * H.A.C. No. 2023-06

ROCKLAND ZONING BOARD *
OF APPEALS, *
Respondent, *

ANSWER TO APPLICANT'S INITIAL PLEADING

NOW COMES the respondent, Rockland Zoning Board of Appeals (the "Board"),
and hereby answers the numbered allegations of the appellant, Shinglemill, LLC's,
Initial Pleading, as follows:

Introduction

The Board answers that the introductory contains a description of the statutory basis and subject matter of the appeal and no factual assertions that can be admitted or denied. To the extent there are any factual assertions, they are denied. The Board acknowledges that Attorney Trevisan of the firm of Mirrione, Shaughnessy & Uitti, LLC, of Quincy represents the appellant.

Prior Proceedings Before the ZBA

1. Admitted.

2. The Board states that the application speaks for itself and that no further answer is required.
3. Admitted.
4. The Board states that the application speaks for itself and that no further answer is required.
5. The Board admits that on or about January 2022, the applicant filed revised plans for a revised project which speak for themselves and that no further answer is required.
6. The Board admits that there was a parking concept plan with various alternatives which said plan speaks for itself.
7. Admitted.
8. The Board states that the decision of the Board speaks for itself and that no further answer is required.

Shinglemill's Objections to Board's Conditions and Requirements

9. The Board admits that its decision contains certain conditions and action on requested waivers but denies the remaining allegations of paragraph 9.

10. The Board states that the decision of the Board speaks for itself and that no further answer is required.

11. Denied.

12. Denied.

13. The Board is without knowledge and/or information sufficient to form a belief as to the truth of the allegations of paragraph 13 and therefore denies the same.

14. Denied.

15. Denied.

16. The Board states that the decision of the Board speaks for itself and that no further answer is required.

17. Denied.

18. Denied.

19. Denied.

20. The Board states that the decision of the Board speaks for itself and that no further answer is required.

21. Denied.

22. The Board states that the decision of the Board speaks for itself and that no further answer is required.

23. The Board admits that the ARJWW is the provider of public drinking water and has informed the Board and Shinglemill that they cannot provide domestic water supply to the property but denies the remaining allegations of paragraph 23.

24. Denied.

25. The Board states that the decision of the Board speaks for itself and that no further answer is required.

26. The Board states that the decision of the Board speaks for itself and that no further answer is required.

27. The Board admits that a sewer connection is authorized by the Board of Sewer Commissioners which is currently acting under an EPA Administrative Consent Order but denies the remaining allegations of paragraph 27.

28. Denied.

29. The Board states that the decision of the Board speaks for itself and that no further answer is required but denies the remaining allegations of paragraph 29.

30. The Board states that the decision of the Board speaks for itself and that no further answer is required.

31. Denied.

32. The Board states that the decision of the Board speaks for itself and that no further answer is required.

33. Denied.

34. The Board states that the decision of the Board speaks for itself and that no further answer is required.

35. Admitted.

36. Denied.

37. The Board states that the decision of the Board speaks for itself and that no further answer is required.

38. Denied.

39. The Board states that the decision of the Board speaks for itself and that no further answer is required.

40. Denied.

RELIEF SOUGHT BY THE BOARD

The Board requests the following relief:

1. That the decision granting an approval with conditions be affirmed;
2. That the Board be granted such other and further relief as the Committee deems just and equitable;
3. That the Board be awarded its costs of action and counsel fees.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

There is no evidence that the conditions imposed by the Board made the building or operation of the project uneconomic.

SECOND AFFIRMATIVE DEFENSE

There are valid health, safety, environmental, design, open space, or other Local Concern which support the conditions imposed by the Board and these Local Concerns outweigh the Regional Housing Need.

THIRD AFFIRMATIVE DEFENSE

There are no preventive or corrective measures have been proposed or that can be proposed which will mitigate the Local Concern nor are there any alternative means of protecting Local Concerns.

FOURTH AFFIRMATIVE DEFENSE

The appellant has failed in accordance with 760 CMR 56.06(h) to file an ENF with the Secretary and serve same on the Committee or an advisory opinion and as a consequence the matter should be dismissed.

FIFTH AFFIRMATIVE DEFENSE

The Board reserves the right to add such other and further defenses as may become apparent through the time of the hearing of this matter.

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Respectfully Submitted

TOWN OF ROCKLAND
ZONING BOARD OF APPEALS
By its Land Use Counsel,

Dated: November 8, 2023

/s/ Robert W. Galvin

/s/ Anthony J. Riley

Robert W. Galvin, Esq. (BBO # 561397)
Anthony J. Riley, Esq. (BBO #698582)
Galvin & Galvin, PC
10 Enterprise Street, Suite 3
Duxbury, Massachusetts 02332
(781) 934-5678
rwgalvin@galvin-legal.com
ajriley@galvin-legal.com

CERTIFICATE OF SERVICE

I, Robert W. Galvin, Esq., hereby certify that I have served a true copy of the foregoing document by first email upon counsel of record for the appellant, Shinglemill, LLC, this 8th day of November 2023 who is:

David C. Uitti, Esq.
Tanya D. Trevisan, Esq.
Mirrione, Shaughnessy & Uitti, LLC
2 Batterymarch Park, Suite 302
Quincy, MA 02169
duitti@msullc.com
ttrevisan@msullc.com

/s/ Robert W. Galvin

Robert W. Galvin
Land Use Counsel