C O M M O N W E A L T H O F M A S S A C H U S E T T S

H O U S I N G A P P E A L S C O M M I T T E E

SLV SCHOOL STREET, LLC, Appellant, v. MANCHESTER-BY-THE-SEA ZONING BOARD OF APPEALS, Appellee.	)	No. 2022-14

RULING ON MOTION TO INTERVENE PURSUANT TO G.L. c. 30A, § 10A

I. INTRODUCTION

SLV School Street, LLC (SLV) appeals a decision of the Manchester-By-the-Sea Zoning Board of Appeals (Board) denying its application for a comprehensive permit to construct a development of 136 rental units. Following the initial conference of counsel, a motion to intervene was brought on two grounds.[1] At issue in this ruling is the request for intervention pursuant to G.L. c. 30A, § 10A on behalf of a group of ten or more citizens (Ten Persons Group or Group), on the ground that damage to the environment, as defined in G.L. c. 214, § 7A, is at issue in these proceedings.[2] Affidavits required by G.L. c. 30A, § 10A were

[1] The motion also includes a second request for intervention pursuant to 760 CMR 56.06(2)(b) on behalf of the Manchester Essex Conservation Trust (MECT). The request for intervention on that basis is addressed in a separate ruling.

[2] The Ten Persons Group is comprised of the following 14 individuals who own and reside in their respective properties in Manchester-by-the-Sea: Gregory A. Crockett (designated group representative), Catherine Crockett, Lynn Atkinson, George E. Davis, Jeffrey Cochand, Jennifer Cochand, Alida L. Bryant, Albert M. Creighton, III, Sara Creighton, Francis R. Caudill, Karen Bennett, Helen Bethell, John Bethell, and Denison M. Hall. The motion names two other individuals for whom no affidavits were submitted; therefore, they are not included in the Group.

submitted by the 14 individuals comprising the Ten Persons Group; all stated their residential address, that they wished to participate as a member of the Group pursuant to G.L. c. 30A, § 10A, to intervene in the above-captioned proceeding in order to protect the environment, and they consented to the designation of Gregory A. Crockett as the Group's authorized representative. The motion to intervene states that affidavits of the following were filed to explain "how the project threatens environmental interests:" Patrice Murphy, Executive Director of the Manchester Essex Conservation Trust (MECT); Scott Horsley, MECT's hydrologist; Patrick Garner, wetlands scientist; and Sean Reardon, P.E.[3] The developer filed a memorandum in opposition to intervention while the Board did not file any opposition.

II. DISCUSSION

A. Intervention in Committee Proceedings under G.L. c. 30A, § 10A

General Laws chapter 30A, section 10A, sets out the circumstances for intervention relating to damage to the environment in an adjudicatory proceeding:

> Notwithstanding the provisions of section ten, not less than ten persons may intervene in any adjudicatory proceeding as defined in section one, in which damage to the environment as defined in section seven A of chapter two hundred and fourteen, is or might be at issue; provided, however, that such intervention shall be limited to the issue of damage to the environment and the elimination or reduction thereof in order that any decision in such proceeding shall include the disposition of such issue.

In addition to setting forth requirements for establishing a ten persons group, § 10A requires that "the intervention shall clearly and specifically state the facts and grounds for intervening and the relief sought…." Critical to such intervention is a demonstration that damage to the environment, as defined by G.L. c. 214, § 7A, "is or might be an issue" in the applicable proceeding.[4]

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[3] The motion does not distinguish to which motions the affidavits apply—the motion of the Group or the motion of MECT. The lack of clarity with regard to the support for each motion is one reason why we will now require motions under § 10A to be filed separately from motions under 760 CMR 56.06(2)(b). *See infra,* n.10. For the purposes of this motion, we have reviewed all the affidavits submitted.

[4] Section 7A defines "damage to the environment" as "any destruction, damage or impairment, actual or probable, to any of the natural resources of the commonwealth, whether caused by the defendant alone or by the defendant and others acting jointly or severally. Damage to the environment shall include, but not be limited to, air pollution, water pollution, improper sewage disposal, pesticide pollution, excessive

Only a developer who has been denied a comprehensive permit or has been issued a permit with conditions may appeal a decision of a board of appeals to the Committee. G.L. c. 40B, § 22. Certain other individuals or groups may be permitted to intervene, but the issues they may raise are circumscribed by the Committee's jurisdiction under G.L. c. 40B, § 23. *Board of Appeals of Hanover v. Housing Appeals Comm.*, 363 Mass. 339, 370 (1973); *Taylor v. Board of Appeals of Lexington*, 451 Mass. 270, 275 (2008) (noting intervention by abutters is limited to issues properly before Committee). *See Standerwick v. Zoning Bd. of Appeals of Andover*, 447 Mass. 20, 30 (2006) (demonstrating "aggrievement" as basis for standing in action pursuant to G.L. c. 40B, § 21 requires showing that any potential injury is to specific interest applicable zoning statute, ordinance or bylaw is intended to protect). Moreover, under § 10A, a group may only participate to the extent that the environmental damage they assert "is or might be an issue" in the proceeding. The requirement that a ten persons group set forth facts and grounds for intervention thus enables the presiding officer to determine whether the allegations fall within the scope of the proceeding. If the Committee does not have jurisdiction to dispose of the issues raised by a ten persons group, intervention is inappropriate.[5] Section 10A provides that "such intervention shall be limited to the issue of damage to the environment and the elimination or reduction thereof in order that *any decision in such proceeding shall*

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noise, improper operation of dumping grounds, impairment and eutrophication of rivers, streams, flood plains, lakes, ponds or other water resources, destruction of seashores, dunes, wetlands, open spaces, natural areas, parks or historic districts or sites. Damage to the environment shall not include any insignificant destruction, damage or impairment to such natural resources."

[5] For example, issues related to state and federal environmental requirements are beyond the scope of § 10A intervention in proceedings before the Committee. *104 Stony Brook, LLC v. Weston,* No. 2017-14, slip op. at 28 (Mass. Housing Appeals Comm. June 22, 2023), citing *Green View Realty, LLC v. Holliston,* No. 2006-16, slip op. at 9-10 (Mass. Housing Appeals Comm. Jan. 12, 2009) (noting Committee's focus is on local concerns; Committee has no authority to hear whether developer is adhering to state or federal law), *aff'd sub nom. Holliston v. Housing Appeals Comm.,* 80 Mass. App. Ct. 406 (2011), *F.A.R. den.,* 460 Mass. 1116 (2011); *O.I.B. Corp. v. Braintree*, No. 2003-15, slip op. at 7 (Mass. Housing Appeals Comm. Mar. 27, 2006) (stating it is not "the role of either the [b]oard or this Committee to adjudicate compliance with state standards"); *Jepson v. Zoning Bd. of Appeals of Ipswich,* 450 Mass. 81, 85 n.9 (2007) (noting board could not waive compliance with state laws because G.L. c. 40B permits waiver only of local requirements and regulations), *citing Board of Appeals of Hanover v. Housing Appeals Comm.,* 363 Mass. 339, 355 (1973); *Bowdoin v. Zoning Bd. of Appeals of Lynnfield*, 58 Mass. App. Ct. 1106 (2003) (Rule 1:28 opinion) (G.L. c. 40A, § 17 challenge to comprehensive permit on ground project will not comply with state law irrelevant and premature as developer must still obtain state approvals before implementing project).

include the disposition of such issue." [Emphasis added.] In the case of an appeal of a zoning board's grant of a comprehensive permit, the grounds for intervention must relate to conditions and determinations on waivers of local requirements or regulations challenged in the appeal. For an appeal of a denial of a comprehensive permit, as is the case here, the facts and grounds supporting the allegation of environmental harm must relate to local concerns protected by local requirements and regulations the developer seeks to waive. *Zoning Bd. of Appeals of Amesbury v. Housing Appeals Comm*., 457 Mass. 748, 756 (2010) (scope of issues boards may address through conditions is necessarily limited to types of concerns and powers of local boards); *104 Stony Brook, LLC v. Weston,* No. 2017-14, slip op. at 37-38 (Mass. Housing Appeals Comm. June 22, 2023) (boards and interveners must "identify a local interest protected by a local requirement or regulation that is more restrictive than state and federal requirements, and to demonstrate that safeguards provided by the local requirement with respect to that local interest afford greater protection of the interest against the asserted harms of the project than those afforded by state or federal regulation"), citing *Holliston v. Housing Appeals Comm*., 80 Mass. App. Ct. 406, 420 (2011), *F.A.R. den*., 460 Mass. 1116 (2011). In order to determine whether any interveners may participate, the Committee must know what issues they intend to raise. For this reason, a proposed Group must identify the local concerns involved, including the associated local requirements and regulations, and the asserted environmental harm that could be at issue if those local requirements and regulations do not apply to the project.

Additionally, in their motion, such a group must "clearly and specifically" put forth facts and grounds supporting the asserted environmental damage and the relief sought. In decisions ruling on previous motions to intervene under § 10A, the Committee noted it deferred ruling on the motion until after the evidentiary hearing on the merits, in which the proposed interveners participated under the Committee's earlier practice of allowing proposed interveners to participate fully as "amici," and denied the motion thereafter. *See, e.g., Rising Tide Dev., LLC v. Lexington*, No. 2003-05, slip op. at 8-9 (Mass. Housing Appeals Comm. June 14, 2005) (denying § 10A motion to intervene for failure to allege environmental damage with more than conclusory assertion that ruling for developer would adversely affect environmental resources); *Adams Road Trust v. Grafton*, No. 2002-38, slip op. at 8-10 (Mass. Housing Appeals Comm. Dec. 10, 2004) (denying motion after hearing at which proposed interveners participated but did not address any issues initially raised). *See also Satuite Woods Realty Tr. v.*

Scituate, No. 2002-03, slip op. at 6-7 (Mass. Housing Appeals Comm. July 11, 2003) (denying § 10A intervention after Committee hearing where proposed interveners failed to rebut evidence of board's provisions for protection of environment, in light of G.L. c. 214, § 7A provision that "[d]amage to the environment shall not include any insignificant destruction, damage or impairment to such natural resources"). *Id.* at 7.

It is important to note that the earlier Committee decisions cited above setting out criteria for denying § 10A motions were based on a full evidentiary record and after a hearing in which the proposed interveners, although ultimately denied intervention, actually received the desired participation in the proceeding as if they had been granted intervention.[6] Therefore, allowing intervention in Chapter 40B appeals pursuant to § 10A, where proposed interveners have met the statutory prerequisites, is consistent with past actions of the Committee.

Although the comprehensive permit regulations do not include a reference to § 10A, such provisions are found in other administrative regulations.[7] For instance, the Massachusetts Department of Environmental Protection (DEP) regulation governing adjudicatory proceedings provides for intervention "to protect the environment" and states that a group of ten or more persons may intervene collectively as a party, pursuant to G.L. c. 30A, § 10A, where damage to the environment, as defined in G.L. c. 214, § 7A, is or might be at issue.[8] 310 CMR 1.01(7)(f).

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[6] The suggestion in those earlier decisions that § 10A intervention in Committee proceedings was not necessary because the Committee's addressing of environmental issues obviated the need for such intervention must be viewed in this light. Denial of intervention was made after the Committee was able to observe the scope of a board's and a ten persons group's engagement with the issues.

[7] Section 10A has been addressed rarely in reported court opinions, and with no substantive discussion. *See*, *e.g., Christoffels et al. v. Alton Properties, Inc.,* 362 Mass. 862, 862 (1972) (mentioning that G.L. c. 30A, § 10A is "aimed at the restraining of damage to the environment"); *North and South Rivers Watershed Ass'n., Inc. v. Town of Scituate,* 755 F. Supp. 484, 486 (D. Mass. 1991). Courts have more often dealt with cases brought under G.L. c. 214, § 7A. *See, e.g., Nantucket Land Council,* 5 Mass. App. Ct. 206, 215-216 (1977); *Enos v. Secretary of Environmental Affairs*, 432 Mass. 132, 135 (2000) (standing to maintain declaratory judgment action to enforce requirements of Massachusetts Environmental Protection Act requires plaintiff's interests to be within the zone of interests protected by MEPA). Because of the lack of appellate guidance on the interpretation of § 10A, other state agency applications can be instructive.

[8] Other regulations specifically incorporating § 10A include the following: DEP regulations 310 CMR 9.02 (Waterways) and 310 CMR 10.05(7)(j)5 (Wetlands protection); Massachusetts Water Resources Authority regulation 360 CMR 1.23(6) (Adjudicatory Proceedings); and Energy Facilities Siting Board regulation 980 CMR 1.05 (Rules for the conduct of adjudicatory proceedings).

This regulation requires that interveners be "persons substantially and specifically affected by the adjudicatory proceeding, or persons who have the constitutional or statutory right to intervene without showing that they are substantially and specifically affected." 310 CMR 1.01(7)(d). The ten persons group provision provides that "[t]he intervention shall clearly and specifically state the facts and grounds for intervening and the relief sought…" and states that "Interveners under M.G.L. c.30A, § 10A shall specifically describe the damage to the environment as defined in M.G.L. c. 214, § 7A and the elimination or reduction sought. Such intervention shall be by motion filed in accordance with 310 CMR 1.01(11)(a)." 310 CMR 1.01(7)(f). Similarly, the Standard Adjudicatory Rules of Practice and Procedure, 801 CMR 1.01(9)(f), provide that "[a]ny group of ten or more Persons may intervene collectively as a Party in any Adjudicatory Proceeding according to M.G.L. c. 30A, § 10A, provided that intervention is limited to the issue of actual or probable damage to the environment as defined in M.G.L. c. 214 § 7A, and the elimination or reduction thereof." Both adjudicatory schemes recognize the authority of the agency to limit duplicative evidence, consistent with § 10A's provision allowing the exclusion of repetitive and irrelevant material. 310 CMR 1.01(7)(d); 801 CMR 1.01(9)(d).

While intervention under G.L. c. 30A, § 10A is confined exclusively to the issue of environmental damage and its elimination or reduction, the requirement for specificity in setting forth facts and grounds for intervention regarding damage to the environment is akin to the requirement in ordinary intervention to show aggrievement. *See generally Standerwick, supra,* 447 Mass. 20, 33 (proposed intervener must establish injury "by direct facts and not by speculative personal opinion"), quoting *Barvenik v. Aldermen of Newton,* 33 Mass. App. Ct. 129, 132 (1992). *See also Tofias v. Energy Facilities Siting Bd.*, 435 Mass. 340, 348-49 (2001) (upholding denial of intervention by party in administrative proceeding whose injuries were conjectural and speculative); 760 CMR 56.06(2)(b); 310 CMR 1.01(7)(b), (f); 801 CMR 1.01(9)(b), (f). In other words, § 10A does not negate the need to establish credible evidence supporting environmental damage under G.L. c. 214, § 7A.

In the above decisions, and other rulings, the Committee, or the presiding officer, as applicable, denied motions to intervene under § 10A where a ten persons group failed to set out facts and grounds to show that the asserted environmental damage is "more than speculative," or noted that no specific relief was identified. *Lexington, supra,* No. 2003-05, slip op. at 8-9

(motion denied for failure to allege environmental damage with more than conclusory assertion of environmental damage); *Grafton, supra,* No. 2002-38, slip op. at 8-10 (noting proposed interveners provided only general assertions of environmental damage and only relief they requested was right to present oral testimony at hearing); *Scituate*, *supra,* No. 2002-03, slip op. at 6-7. *See also Mountain Street, LLC v. Sharon*, No. 2004-01, slip op. at 5-7 (Mass. Housing Appeals Comm. Ruling on Motion to Intervene Oct. 20, 2004) (denying § 10A motion to intervene where no allegation of environmental damage was made with any specificity). *Mountain Street* is more consistent with the Committee's current practice of ruling on motions to intervene at the pre-hearing stage. Consistent with our practice of determining intervention at the outset, we now affirm our intent to allow intervention for the purposes identified in § 10A if proposed interveners demonstrate in their motion and supporting affidavits that they have met the statutory standard for intervention to protect against environmental damage.[9]

Finally, § 10A provides that "any intervener under [§ 10A] may introduce evidence, present witnesses and make written or oral argument, except that the agency may exclude repetitive or irrelevant material." Thus, although intervention should not be denied on the ground that a ten persons group's evidence and argument will duplicate that of the Board or other parties, interveners will be required to ensure their evidence is not irrelevant or repetitive of the Board's case.

B. The Group's Concerns under G.L. 30A, § 10A

Both Scott Horsley, and Patrick Garner, whose affidavits were submitted by the proposed interveners, stated in their affidavits that the project site contains approximately 23 acres, including wetland resource areas protected by the Massachusetts Wetlands Protection Act (WPA), G.L. c. 131, § 40, and its regulations, as well as the Manchester-by-the-Sea General Wetlands Bylaw (Bylaw) and Town regulations. They stated it also includes areas of bordering vegetated wetlands, isolated wetlands, and certified vernal pools. He also stated that the project site borders Sawmill Brook a "Class B" surface water under the Massachusetts

[9] We will also require that all motions to intervene under G.L. c. 30A, § 10A must be made separately from any other motions, with distinct supporting materials setting forth the facts and grounds supporting intervention and the relief sought. Failure to do so will result in the rejection of motions and necessitate the refiling of motion papers.

Clean Water Act and 310 CMR 4.00, *et. seq.,* that is also a "Cold-Water Fish Resource" under the Massachusetts Clean Water Act and surface water regulations. Horsley Affidavit, ¶ 4.

In support of its motion, the Group argues that "local concern" is defined broadly under the comprehensive permit regulations and does not require the issue to involve a waiver of a local requirement or regulation. The Group identifies several state and federal requirements it alleges support the Group's entitlement to intervene and relate to their assertion the project will cause potential "damage to the environment" as defined in G.L. c. 214, § 7A, including the WPA and Department of Environmental Protection (DEP) wetlands regulations, 310 CMR 10.00, *et seq.,* which the Group argues regulates performance standards for the protection of wildlife habitat and vernal pool habitat.[10] Motion, pp. 7-11; 14-17.

The Group argues in addition that the Bylaw and regulations provide additional protection to vernal pools than is provided by state law. They argue that § 1.2.2 of the Bylaw protects "vernal pools as an additional resource area recognized by the Town as significant, but not included in the [WPA]" and protects the area within 100 feet of vernal pools, with an additional 100-foot buffer zone around it containing an inner 30-foot "no disturb" zone and a 50-foot "no build" zone. Motion, pp. 11-12. Mr. Horsley stated that "[t]he Project encroaches on the 'no build' and 'no disturbance' zones associated with the vernal pools as defined under the Bylaw and Regulations. As a result, the Project would require waivers for work proposed within the areas protected by the local Bylaw." Motion, p. 12, citing Horsley Affidavit, ¶ 5. The motion also asserts that § 2.2.13 of the Bylaw contains a "more robust" definition of "Alter" than state standards in recognizing cumulative and incremental impacts. *Id.*, citing Horsley Affidavit, ¶ 6. They argue that the developer failed to provide the impact analysis required by Bylaw § 12, which requires the developer to prove "by a preponderance of credible evidence

[10] The motion also refers to the following state and federal provisions in their motion: DEP Stormwater Management Standards, 310 CMR 10.05(6)k)-(q), and Stormwater Handbook, which the Group argues prevent environmental damage from stormwater management facilities; National Pollutant Discharge Elimination System (NPDES) permit issued jointly to the Town by the federal Environmental Protection Agency (EPA), which administers the federal Clean Water Act, and DEP, which administers the state Clean Waters Act, which the motion argues is pertinent to preventing environmental damage from wastewater treatment facilities; Massachusetts Ocean Sanctuaries Act, G.L. c. 132A, §§ 12A, *et. seq.,* which the motion asserts regulates wastewater outfall pipes along the Massachusetts coastline; and DEP regulations under the Clean Waters Act, 314 CMR 7, *et. seq.,* and 314 CMR 12, *et seq.,* which the motion asserts govern new connections to and extensions of municipal sewer systems.

that the work proposed in the [Notice of Intent] will not have adverse effects, immediate or cumulative, upon the Resource Area." *Id.,* p. 14, citing Bylaw, § 12.1.

Mr. Horsley testified that an adjacent cold water fishery stream, Sawmill Brook, is subject to adverse thermal impacts from construction of the project. He stated that SLV has not provided the alternatives analysis required by Bylaw § 9.5 to show there is "no practical alternative to the work or activity proposed." Horsley Affidavit, ¶ 12; *see id.,* ¶¶ 11-14.

The proposed interveners also argue that to obtain a waiver of the Bylaw or Town regulations, the Bylaw requires an alternatives analysis and an assessment of significant immediate and cumulative adverse effects, including a demonstration by clear and convincing evidence that there is no practicable alternative to the work or activity proposed. They assert developer has not provided this analysis.[11] Motion, p. 13.

With respect to alleged environmental harm, the Group asserts that the project will cause substantial water quantity and quality alterations to vernal pools that are not permitted under the WPA and its regulations, and also that fail to meet the performance standards of the Bylaw. Motion, p. 11. *See* Garner Affidavit, ¶¶ 16-18. They argue that Mr. Garner's vernal pool water budget analysis found that post development, alterations to all vernal pool hydrologic components—watershed areas, impervious areas, runoff, velocity, and volume—are altered. Motion, p. 12, citing Garner Affidavit, ¶ 15. The Group asserts that the project will threaten or damage natural resources and wildlife habitat on and adjacent to the project site. Mr. Horsley stated that "significant reductions in groundwater recharge of 40-50% will result from the proposed development…resulting in 'lowered water levels and impairment of the wildlife habitat conditions in the northern vernal pool.'"[12] Horsley Affidavit, ¶ 26; *see* Motion, p. 12. They contend that if this appeal results in issuance of a comprehensive permit allowing for

[11] The proposed interveners cite *Cummings v. Secretary of the Executive Office of Env. Affairs*, 402 Mass. 611, 614-615 (1988), for the proposition that a claim that procedural requirements of environmental laws are being violated is equally cognizable as a claim of a substantive violation under G.L. c. 214, § 7A. Motion, p. 5.

[12] Much of the evidence provided by affidavit suggests the expected alterations to the vernal pools will violate state regulations. Other than encroachment into the locally defined expanded resource area (and required assessments to obtain local bylaw and regulatory waivers), neither Mr. Horsley nor Mr. Garner identified specific local water quantity or quality requirements that are stricter than state standards.

construction of the proposed project, "natural resources and environmental interests will be threatened."[13] Motion, p. 2.

As the developer has argued, compliance with the state requirements cited by the proposed interveners is not within the Committee's jurisdiction and cannot form the basis for intervention. *See Weston, supra,* No. 2017-14, slip op. at 16. We addressed that argument in § II.A. above, stating that claims of harm based on violations of state or federal requirements will not be an issue in this proceeding. Therefore, the Group's arguments relating to harm based on the WPA, wetlands protection regulations, or other state or federal requirements, are not "issues that may arise in this appeal, and therefore do not form a basis for intervention in this proceeding.

With respect to the assertions of potential harm from impacts of the project on the vernal pools, however, the Group has asserted requirements of § 2.1 of the Bylaw, that are more restrictive than state requirements, namely, expanded definition of the vernal pool resource area. They have submitted evidence that the project is proposed to encroach upon those resource areas and will need a waiver for the project to proceed. They also cite Bylaw requirements that SLV is required to provide an analysis of potential impacts on the vernal pools and the adjacent cold-water fishery stream. Motion, p. 14, citing Horsley Affidavit, ¶¶ 11, 14. Therefore, the Group will be allowed to intervene, solely with regard to potential environmental damage caused by the project's impacts upon vernal pools on or abutting the project site as they may be affected by potential waivers of the Bylaw and regulations pertaining to protection of vernal pools.[14]

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[13] Although it might be implied by this statement and the evidence submitted by affidavit, that the Group seeks a denial of the comprehensive permit, they do not make clear the specific relief sought. Although we will accept this, we expect all future motions under § 10A to specifically identify whether the proposed group seeks denial of a permit or a grant of a permit with certain conditions; in the latter case the motion shall specify the conditions required to address the asserted environmental damage.

[14] The Group's intervention will be limited to the specific local requirements and regulations identified in their motion. *See Nantucket Land Council, supra,* 5 Mass. App. Ct. 206, 215-216 (holding ten citizens group lacked standing under G.L. c. 214, § 7A where condition of subdivision approval required compliance with State Wetlands Protection Act and plaintiffs failed to allege violation of that condition as ground for alleged damage to environment).

III. CONCLUSION

For the reasons stated above, the motion of the Ten Persons Group to intervene pursuant to G.L. c. 30A, § 10A is granted in part and denied in part. The Group is granted intervention solely with regard to evidence and argument relating to alleged potential environmental damage caused by the project's impacts upon the vernal pools and the cold water fishery stream, as those resources may be affected by requested waivers of the Bylaw and Town regulations pertaining to protection of vernal pools and the cold water fishery stream that has been identified by the Group. In all other respects their motion is denied. The Group will be permitted to participate on this issue to the extent it does not introduce evidence that is duplicative of that provided by the developer and the Board.

HOUSING APPEALS COMMITTEE

July 14, 2023

Shelagh A. Ellman-Pearl, Chair

Lionel G. Romain

James G. Stockard, Jr.