

Town of Norwell
BOARD OF APPEALS
Meeting Minutes for 40 River Street 40B
July 12, 2017

MEETING DATE:	Wednesday, July 12, 2017
TIME SCHEDULED:	6:00 P.M.
LOCATION:	Planning Board Office
PANEL MEMBERS PRESENT:	Ralph J. Rivkind, Hearing Chair Lois S. Barbour Thomas P. Harrison
TOWN REPRESENTATIVES:	Peter Shea, President – Community Housing Trust R. W. Galvin, Town Counsel John C. Chessia, Chessia Consulting Gregg McBride, BoS arv. 7:04 Pat Richardson CHT
FOR THE APPLICANT:	Mark Bobrowski, Attorney – arv. 6:35 Jennifer Van Campen, Executive Director – Metro West Peter Palmieri, Merrill Engineers & Land Surveyors Randy Johnson – Resolution Architects – arv 6:26
MEMBERS OF THE PUBLIC:	Les Taylor – First Parish Committee Chair Scott Garland of 676 Grove St Scott Snider of 283 Pine St Robert Breen of 263 River St Wendy Bawabe of 301 Mt. Blue St Marybeth Shea of 52 Franklin Rd Dan Richardson of 266 Main St Steve and Barbara Gilmartin of 43 Circuit St David DeGhetto of 303 River St Jacquelyn and Scott McClean of 142 Central St Marie Molla of 88 Prospect St

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TOWN OF NORWELL
TOWN CLERK

Chair Rivkind opened the meeting at approximately 6:04 P.M. with reading of the public notice for the continued public hearing of the 40B Comprehensive Permit application on property located at 40 River Street, the site of the Town's former police station.

As the Applicant's counsel was delayed by traffic, the Chair did not want to discuss substantive issues until he was present.

In the meantime, Chair Rivkind acknowledged a letter that had been received from the First Parish of Norwell, dated 7/12/17, signed by Rev. Lise Adams Sherry and Parish Committee Chair Les Taylor, relating to the proposed senior housing project and their understanding of veterans' preference. As there appeared to be a misunderstanding of what is being proposed, Chair Rivkind clarified that the project will not be exclusively for veterans but is intended to be senior housing for persons sixty (60) years of age or older with a level of veterans' preference anticipated in the lottery selection. Parish Committee Chair Les Taylor appreciated the clarification and appeared to be satisfied with that response.

Chair Rivkind reviewed the prior public hearing discussions at the request of Barbara Gilmartin of 43 Circuit Street. He also indicated the Board's minutes are posted on the Town's website and provide extensive detail for all public meeting held to date.

PROJECT PLANS AND DOCUMENTS: The Town's peer review consultant, John Chessia of Chessia Consulting, and the Applicant's engineer, Peter Palmieri of Merrill Engineering, discussed their follow-up review reports and potential conditions, where needed. The Applicant's engineer submitted revised plans to address previous comments. The Town's consultant noted a plot plan, prepared by a Registered Land Surveyor, remains outstanding, which was acknowledged by the Applicant and stated would be submitted at a later date.

The Applicant's engineer also indicated an operations & maintenance plan will be developed after the project is reviewed by the Conservation Commission.

LOTTERY: Director Van Campen explained the lottery process. She stated ten (10) units would be allocated for applicants at 80% of the local median income with eight (8) units at 100%. Qualifying individuals must be aged sixty- (60) years or older. A condition for veterans' preference will be included in the Board's decision.

TOWN'S CONTRIBUTIONS: The Town is contributing the land and the Community Housing Trust has obtained \$1.2 million funding from CPC affordable housing funds. The balance of funding is anticipated to be provided through a state grant for which the developer is applying.

VETERANS' PREFERENCE EMAILS: Member Barbour discussed various emails she had received from Town residents relating to concerns about veterans' preference. Her response to all focused on providing procedural information, next meeting date, and advising of the availability of minutes on the Board's website.

TOWN BOARDS AND DEPARTMENTS: Chair Rivkind reviewed correspondence received from Town boards and departments, including the Conservation Commission, Police, Fire, Council on Aging, and the Water Department.

The Applicant's attorney arrived at approximately 6:35 P.M.

REAL ESTATE TAXES: As the Applicant had requested real estate tax relief, Chair Rivkind asked Town Counsel to discuss this issue. Mr. Galvin stated the Town must enter into a "payment in lieu of taxes" agreement ("PILOT") that will need to be negotiated by the parties and approved at the next Town Meeting, either spring 2018, or this fall, if a special town meeting is scheduled. Further, there may be additional discussions and/or agreements required between the Town and at the state level.

AGE RESTRICTIONS: A discussion ensued relating to qualified occupants living with non-qualified occupants and what might occur, if the qualifying occupant is no longer resident in the apartment. Members agreed the non-qualifying occupant would be allowed to remain in residence for no longer than a one-year period. Director Van Campen noted a non-qualifying occupant should be a leaseholder. Leases are written for a period of one year. Attorney Galvin proposed the following wording:

Notwithstanding anything herein to the contrary, in the event that the unit ceases to be occupied by a Qualified Occupant and is occupied by a non-Qualified Occupant, the non-Qualified Occupant may continue to occupy the unit for one year beyond the term of the then existing lease.

from the escrow account shall be returned to the Applicant. Said deposit shall not be deemed a cap of such monetary fees for peer review consulting which may exceed the deposit and that the Applicant shall be obligated to replenish to pay for peer review approval and future construction monitoring at the reasonable request of the Board.

WAIVERS: Although there was some discussion about roadway width, members agreed upon all requested zoning waivers. There was further discussion relating to peer review and project monitoring of any future Order of Conditions, requested under the Town's Wetlands Protection By-Law waivers. Attorney Bobrowski stated he is agreeable to Mr. Chessia's sub-contracting of any monitoring required by the Conservation Commission. Member Barbour indicated she is aware that Mr. Chessia and the Conservation Commission's project monitor have worked together successfully in the past on projects and attempt to coordinate monitoring visits whenever possible. Town Counsel will draft the decision accordingly.

CLOSE OF PUBLIC HEARING: At approximately 8:14 P.M., upon a motion duly made and seconded, members **VOTED** unanimously to approve the project in accordance with the application and plans submitted, additional information filed, comments, and testimony entered over the course of the public hearing.

These minutes have been approved with reading of the minutes waived by unanimous vote of the Board of Appeals at a public meeting duly held on 7/26/17, in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed: _____

As Clerk/Assistant Clerk

Date: _____

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