

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
with Public Hearing Votes
January 31, 2018

MEETING DATE: Wednesday, January 31, 2018
TIME SCHEDULED: 7:00 P.M.
LOCATION: Gym
MEMBERS PRESENT: Lois S. Barbour, Chair
Philip Y. Brown, Vice-Chair
David Lee Turner, Clerk
Thomas P. Harrison
Ralph J. Rivkind

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An executive session with Town Counsel was scheduled at 6:30 P.M. to discuss the current status of litigation involving the Board of Appeals. Upon appropriate motions to enter into and come out of that executive session, the Board commenced the public portion of its business meeting at approximately 7:08 P.M.

BUSINESS MEETING: The meeting was called to order at 7:08 P.M.

AGENDA: Upon a motion duly made and seconded, members present **VOTED** unanimously to approve the evening's agenda.

MINUTES: Upon a motion duly made and seconded, members present **VOTED** unanimously to approve business-meeting minutes of January 10, 2018.

INVOICES: No invoices were presented.

DISCUSSION:

239 Washington Street 40B: (See also meeting minutes of 12/6/17 and 1/3/18.) The Applicant's attorney, Warren F. Baker, and the Owner's representative, Brian Murphy, were present during the discussion on this matter. The Applicant is looking for release of Certificates of Occupancy permits for Building 9, Units 32A and 32B, the last two units to complete the project. Owner's representative Brian Murphy would like to resolve the parking issue to close out the construction loan and insurance in order to turn over the project to the homeowners association no later than February 14, 2018. The Board requested that paper copies of a revised As-Built plan be submitted, showing individual parking spaces with a parking table detailing those required and those on-the-ground, which must be stamped and certified by the engineer that prepared the As-Built plan. Mr. Murphy stated he anticipated this could be accomplished early in the week following this meeting. In response, the Board requested an extension to February 14, 2018, its next business meeting to which the Owner agreed. [N.B. The extension document was received, signed, and filed with the Town Clerk on February 1, 2018.]

Simon Hill 40B: In his letter of January 12, 2018, Mr. Baker requested a two-year extension of the Comprehensive Permit as a "Notice of Project Change" and appeared before the Board with the Owner's representative, Brian Murphy. Prior to the meeting,

the Chair had requested that Mr. Baker report on the current status of project site control. During the discussion relating to the requested extension of the Comprehensive Permit, the Board requested further information relating to tolling of the permit during the abutters' appeal and dates relevant court documents were filed. Chair Barbour noted although Mr. Baker's letter requesting the extension was dated Friday, 1/12/18 with a USPS postmark of the same date, it must be presumed that the letter was not received until Tuesday, 1/16/18, due to the MLK holiday on Monday, 1/15/18. The 20-day time for the Board to act should be counted from that date. (It was further noted that Mr. Baker's letter had not been sent via email, as had been the recent 239 Washington Street letter.) In any event, the Applicant agreed to provide an extension to 2/16/18, as the Board's next scheduled meeting is 2/14/18. [N.B. In his letter of February 1, 2018, Mr. Baker responded to the Board's request for additional information and also provided an extension to 2/16/18 that was signed and filed with the Town Clerk on February 1, 2018.]

There was significant interest in the Simon Hill agenda item with seven abutters signing the attendance sheet provided. **Marie Molla of 88 Prospect Street** expressed concern that the property has not yet been transferred, questioning the appropriateness of the delay, and why commencement of project construction has not occurred. Mr. Baker stated the P&S indicates that 90-days after permits for the project have been obtained, transfer of the property is required.

Internequine litigation between the owner and his partner, Jack Sullivan, has created an obvious delay. However, Warren Baker indicated, although there has been a delay due to organizational problems, he is now confident in the outcome of the complaint against William Murphy.

Brian Murphy cited additional issues relating to the delay, including the \$16,000 fee requirement for the Conservation NOI application. Further, the GWD Permit for wastewater treatment must also be filed with the DEP, which is a 6-9 month process. Chair Barbour noted the Town has a 30-day comment period and requested that the Board be notified at the time such application is filed with the state. Mr. Murphy also noted that stormwater approval was needed, as were building permits. Furthermore, the Board noted final project development plans will be required that demonstrate compliance with conditions of the permit.

As the business meeting discussion was extending into the scheduled public hearings, a point of order question was raised as to whether further discussion was appropriate. One final comment was allowed with **Paul McGloin of 58 Prospect Street** also expressing his concern about delay in resolving issues around the project.

ADJOURNMENT: The business meeting was adjourned at approximately 7:55 P.M.

PUBLIC HEARINGS:

1. Upon a motion duly made and seconded, Members Brown, Harrison, and Rivkind **VOTED** unanimously to approve the application for a **Special Permit/Section 6 Finding** on property located at **317 Prospect Street**, as the required sign-offs from the Board of Health and Planning Board have been submitted. Mr. Brown graciously offered to write the decision.

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2. Upon a motion duly made and seconded, Members Turner, Rivkind, and Barbour **VOTED** unanimously to approve the application for a **Special Permit/Section 6 Finding** on property located at **65 Washington Park Drive**. Mr. Turner graciously offered to write the decision.
3. Upon a motion duly made and seconded, Members Turner, Barbour, and Harrison **VOTED** unanimously to continue the public hearing on the **Special Permit/Section 6 Finding** application for property located at **189 Tiffany Road** to Wednesday, February 14, 2018, at 7:25 P.M.

NEXT SCHEDULED MEETING: Wednesday, February 14, 2018.

*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 **31 JAN. 2018**, in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.*

Signed: _____


As Clerk/Assistant Clerk

Date: **31 JAN. 2018**

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