

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
with Public Hearing Votes
December 6, 2017

MEETING DATE: Wednesday, December 6, 2017
TIME SCHEDULED: 7:00 P.M.
LOCATION: Building Office (Public Hearings in Gym)
MEMBERS PRESENT: Lois S. Barbour, Chair
Philip Y. Brown, Vice-Chair
David Lee Turner, Clerk
Thomas P. Harrison (arr. 7:28 P.M.)
Ralph J. Rivkind (arr. 7:16 P.M.)

BUSINESS MEETING: The meeting was called to order at 7:07 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 November 15, 2017.

INVOICES: No invoices were presented. However, assent was given for the Clerk to sign an Accounting Department form for reimbursement to Tori Koch for \$25. she had paid to the Town of Marshfield for an abutters list for the 45 Cedar Point application.

DISCUSSION:

239 Washington Street: The Board had received a letter, dated December 1, 2017, from Attorney Warren F. Baker for a "Notice of Project Change" for this 40B project that requires Board action within thirty (30) days to avoid constructive approval. Previously, the Board approved an additional unit over the thirty-nine originally approved to bring the total project to forty units. Additional parking spaces were required by the Board at that time. However, the Conservation Commission would not allow two to be constructed in the area proposed. The Applicant is now requesting that the currently constructed spaces remain unchanged with no additional required. At the Board's request, Attorney Baker and Owner's representative Brian Murphy agreed to provide an extension to January 17, 2018, to allow time for the Applicant to obtain (1) the total existing parking spaces count and (2) a letter from the homeowners' association agreeing to this request. Upon a motion duly made and seconded, Members Barbour, Harrison, and Brown **VOTED** to approve the continuance to January 10, 2018, with the understanding that the Applicant's attorney will provide a letter granting an extension to January 17, 2017.

45 Cedar Point: Attorney Stephen Guard had contacted the Board to object to the condition requiring the decision be filed with the Registry of Deeds, as included in the proposed draft resulting from the Board's November 15, 2017, vote. A "Declaration of Restrictive Covenant" had been discussed at the public hearing that was also required to be filed with the Registry of Deeds. The Covenant wording was drafted by the Applicant's attorney and reviewed by Town Counsel to address concerns of the Board stated during the public hearing. Upon a motion duly made and seconded, Members

Brown, Harrison, and Barbour **VOTED** to approve amending the proposed decision to remove the Registry filing condition but requiring that the Covenant to be filed therewith.

ADJOURNMENT: The business meeting was adjourned at approximately 7:40 P.M.

PUBLIC HEARINGS:

1. **328 Summer Street:** Upon a motion duly made and seconded, Members Rivkind, Turner, and Barbour **VOTED** unanimously to approve the **Special Permit/Section 6 Finding** application on property located at 328 Summer Street. Member Barbour will write the decision.
2. **75 Wildcat Lane:** Upon a motion duly made and seconded, Members Brown, Harrison, and Rivkind **VOTED** unanimously to grant withdrawal of the **Special Permit/Section 6 Finding** application for property located at **75 Wildcat Lane**, as members agreed the application was for a use allowed under the bylaw. Member Brown will draft a letter confirming the vote.
3. **10 Washington Street:** Upon a motion duly made and seconded, Members Brown, Turner, and Barbour **VOTED** unanimously to continue the **Variance** application to site up to ten (10) freight farm containers in the back parking lot on the westerly side of the complex to January 10, 2017, at 7:30 P.M.. Board members requested that the Applicant provide additional information and will also be researching the proposed use. Further, the Board believes a Site Plan modification is also required and recommended that the Owner's representative, David Webster, meet with the Town Planner to discuss the proposal.

NEXT SCHEDULED MEETING: Wednesday, January 10, 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 10 JANUARY 2018 in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed:  Date: 10 JANUARY 2018
As Clerk/Assistant Clerk

Copy filed with: *Office of the Town Clerk*
Posted on Town Website