

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
with Public Hearing Votes
January 10, 2018

MEETING DATE: Wednesday, January 10, 2018
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
Ralph J. Rivkind

BUSINESS MEETING: The meeting was called to order at 7:03 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 December 3, 2017.

INVOICES: No invoices were presented.

DISCUSSION:

10 Washington Street: Upon a motion duly made Members Brown, Turner, and Barbour **VOTED** unanimously to approve withdrawal of the **Variance** application to place up-to-ten (10) freight farm containers in the rear parking lot on the westerly side of the complex, as requested by the Owner's representative, David Webster, in a letter dated January 10, 2018. Member Turner stated notice to the Town of Hingham and/or Aquarion Water Co of MA is required, as the property is located across Pond Street from Accord Pond, a Hingham public water supply. Members also agreed that an additional filing fee for the Variance would be waived in conjunction with submission of a Site Plan application with only the filing fee for the Site Plan application to apply. Although the Applicant has already communicated with the Town Planner, no new Site Plan application had been filed at the time of this meeting.

239 Washington Street: The Board previously received a letter, dated December 1, 2017, from Attorney Warren F. Baker for a "Notice of Project Change" for this 40B project, which requires Board action within twenty (20) days to avoid constructive approval, relating to construction of one additional unit over the original thirty-nine to bring the total project to forty units. (See ZBA letter of 10/3/16.) However, the Conservation Commission subsequently would not allow two spaces to be constructed in the area proposed. The Applicant requested at the December 6, 2017, meeting that the currently constructed spaces remain unchanged with no additional required. As requested by the Board at that time, Owner's representative Brian Murphy agreed to obtain (1) the total existing parking spaces count and (2) a letter from the homeowners' association agreeing to this request. The Board had previously indicated it could agree not to require additional spaces, if information were received by Wednesday, January 10, 2018, its next scheduled meeting date at which it understood Mr. Baker and Mr. Murphy would attend.

(N.B. The Board subsequently did receive a written extension to January 17, 2018, from Attorney Baker.) However, in light of the failure by the Owner and/or its attorney to appear at this scheduled meeting or to provide the requested and agreed-upon evidence, upon a motion made by Member Brown and seconded by Member Harrison, Members Brown, Harrison, and Barbour **VOTED** to require the Owner to file a plan that shows the two missing parking spaces required forthwith and provide the parking space count previously agreed upon.

Bylaw Review: As liaison to the Bylaw Review Committee, Chair Barbour requested members authorize the changes proposed in the Board's Rules be submitted to General Code for inclusion in the general recodification of the Town's general and zoning bylaws that will also incorporate various rules of Town boards, commissions, and committees. This will be a future agenda item with proposed changes to be posted on the Board's website. The changes relate primarily to revisions of references to state law and to other updates with some minor editorial changes noted by General Code. Upon a motion duly made and seconded, members present **VOTED** to authorize the indicated changes to the Board's Rules be submitted to General Code by Friday, January 12, 2018.

ADJOURNMENT: The business meeting was adjourned at approximately 7:45 P.M.

PUBLIC HEARINGS:

1. **317 Prospect Street:** Upon a motion duly made and seconded, Members Brown, Harrison, and Rivkind **VOTED** unanimously to continue the public hearing for the **Special Permit/Section 6 Finding** for property located at **317 Prospect Street**, to January 31, 2018, at 7:25 P.M. to allow the Applicant time to obtain required sign-offs from the Board of Health and Planning Board.
2. **10 Washington Street:** As members had already voted to grant the property owner's requested withdrawal of the freight farm **Variance** application during its business meeting, this continued public hearing was unnecessary, as the application had been withdrawn.

NEXT SCHEDULED MEETING: Wednesday, January 31, 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 ~~04 APRIL 2018~~, in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed: _____

As Clerk/Assistant Clerk

Date: _____

Copy filed with:

Office of the Town Clerk
Posted on Town Website