

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
May 11, 2022

TOWN OF NORWELL
TOWN CLERK
2022 JUN -2 AM 11:51
RECEIVED

MEETING DATE: Wednesday, May 11, 2022
TIME SCHEDULED: 7:00 P.M.
LOCATION: Osborn Room
MEMBERS PRESENT: Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
Ralph J. Rivkind, Clerk
Nicholas K. Dean
Stephen H. Lynch
MEMBERS ABSENT: Daniel M. Senteno
William J. Lazzaro

CALL TO ORDER: The business meeting was called to order at approximately 7:01 P.M.

Zoom Protocol: Mr. Lynch provided information about the protocols for those on Zoom during the public meeting/hearing.

AGENDA: Upon a motion duly made and seconded, members present **VOTED** unanimously to accept the agenda, as written.

MINUTES: Upon a motion duly made and seconded, members present **VOTED** to approve the business meeting minutes of 5/5/22, with reading of the minutes waived.

INVOICES: Upon a motion duly made and seconded, members present **VOTED** to approve a W.B. Mason invoice #229255702, dated 4/22/22, in the amount of \$16.11 for office supplies. Upon a motion duly made and seconded, members present **VOTED** to approve Chessia Consulting invoice #2912, dated 5/7/22, in the amount of \$414.00, for the ZBA Rules Review.

RULES REVISION discussion continued to June 15, 2022.

CORRESPONDENCE RECEIVED: Upon a motion duly made and seconded, members present **VOTED** unanimously to approve the insubstantial modification for Damon Farm, as requested in Attorney Tocchio's letter of April 29, 2022, relating to the berm and sidewalk changes per agreement with Mr. Chessia during the bond discussion.

DISCUSSION with TIFFANY HILL HOA Representatives: Members of the Tiffany Hill Homeowners Association (HOA) had requested to meet with the ZBA and an item was placed on the evening's business meeting agenda for that discussion. Chair Barbour stated at the outset that the responsibilities and scope of authority of the Norwell Board of Appeals are narrow and limited to construction of the project in accordance with the Comprehensive Permit and the existing Cash Bond Agreement. The Town cannot resolve any land disputes or disagreements between condo-owners and the developer. Any and all As-Built and/or other plans required under the Comprehensive Permit have been/will be reviewed at the owner's expense.

Representatives of the Tiffany Hill HOA wanted to know whether the cash bond was in place and expressed concern that their legal counsel had not been able to obtain a copy from the Town and whether they were entitled to receive that document. Chair Barbour stated the document is available to the public upon request under the Freedom of Information Act (FOIA). The amount of the bond and the work that was needed to be completed were not in question; however, the form of the bond needed Town Counsel review and approval, which was accomplished mid-

October 2021. Although the Owner apparently has told the HOA all work has been completed, the ZBA requires all conditions of the Comprehensive Permit must to be fulfilled and the final As-Built reviewed and approved by the Town's consultant before the ZBA can sign-off. The cash bond agreement is part of the final approval and inures to the benefit to Town of Norwell and fulfillment of all obligations under the Comprehensive permit and no cash will be released back to the developer until those are satisfied. The Board relies on its consultant, who does project monitoring. Although the HOA apparently was under the impression that owners have individual exclusive use areas, no such plan has been received or approved by the ZBA. Plans showing (1) "exclusive use areas" and (2) changes approved by developer but not ZBA have been requested by the Board from the developer but had not been received at the time of this meeting.

HOA representatives expressed concerns about stormwater issues and poor drainage that could be resolved when work required under the cash bond agreement are completed and the conditions of the Comprehensive Permit have been fulfilled. However, multiple drainage issues could become an HOA issue after the As-Built plans are approved and Town has released the project.

Last minute information from the developer was received the day of meeting and has not yet been reviewed by the Town's consultant. The ZBA still awaits plans for "exclusive use area" and any work authorized by owner but not approved by ZBA as shown on the approved plans. The Board will attempt to schedule a date with the developer before its next scheduled meeting on 6/15 of which the HOA would be notified and welcome to attend. HOA representatives stated only the sidewalk item on the list has been addressed, but none of the septic or stormwater issues have been addressed. It was agreed the Board's consultant should walk entire site with the engineer/developer. Mr. Brown suggested the Board's project monitor should visit the site to review progress. Another question that was raised is whether the project is 500' from highway and "sound barriers" are not effective. The final "As-Built" plan should be surveyed and stamped by a Registered Land Surveyor. John Chessia will consider the permit when reviewing the "As-Built" plans. Member Lynch offered to work with Mr. Chessia as he had attended the 9/27/21 meeting at which both project progress and the cash bond were addressed. Member Brown wants to get all issues resolved soon and indicated stormwater had been a concern during permitting. Member Barbour remembered the site is dense-glacial till with only thin layer of soil over clay.

ADJOURNMENT: Upon a motion duly made and seconded, at approximately 7:35 P.M., members present **VOTED** unanimously to adjourn the business meeting.

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 6/1/22 in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed:  As Clerk Date: 6/1/22

Next scheduled meeting: May 11, 2022

Public Hearing – 5/11/22

Upon a motion duly made and seconded, Members Barbour, Dean, and Lynch **VOTED** unanimously to approve the refiled **Site Plan Review and Special Permit** application on property located at **111-113-119 Washington Street.**

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