

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
with Public Hearing Vote
February 10, 2021

TOWN OF NORWELL
TOWN CLERK

2021 MAR -4 PM 2:20

RECEIVED

MEETING DATE: Wednesday, February 10, 2021
TIME SCHEDULED: 7:00 P.M.
LOCATION: Remote Meeting held VIA Zoom
MEMBERS PARTICIPATING: Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
Ralph J. Rivkind, Clerk
Matthew H. Greene
Stephen T. Bright
Daniel M. Senteno
Nicholas K. Dean
TOWN COUNSEL: Robert W. Galvin, Esq.

Representing SIMON HILL: Warren F. Baker, Esq.; Baker, Braverman & Barbadoro
Kimberly K. Kroha, Esq.; BB & B
Brian Murphy, Unicorn Realty
Brad McKenzie, McKenzie Engineering
Susan Spratt, McKenzie Engineering

TOWN HALL MONITOR: Not required; no appointments made in advance

This was the fifteenth meeting of the Board of Appeals held remotely due to the COVID-19 pandemic under Governor Baker's declaration of a public health emergency and related Emergency Executive Order, dated March 12, 2020. The Board plans to continue to utilize technological capabilities of the Zoom platform for the foreseeable future or until the current public health emergency is resolved. As no appointments were made for Town Hall attendance, the meeting was held via Zoom only.

CALL TO ORDER: The business meeting was called to order at approximately 7:04 P.M.

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

MINUTES: Upon a motion duly made and seconded, members present were individually polled and **VOTED** unanimously to approve the meeting minutes of 1/20/21, with reading of the minutes waived.

INVOICES: No invoices were presented.

DISCUSSION:

Simon Hill 40B: On the agenda was discussion of the Notice of Project Change letter from Warren F. Baker, Attorney for the Applicant, dated January 20, 2021. Member Greene is joining Members Rivkind and Barbour (both panel members on the original 40B home ownership project application and the subsequent project change to rental apartments) to complete the three-member panel, as the special appointee for that project is no longer on the Board.

Attorney Baker, representing Simon Hill, explained the proposed changes detailed in his letter. One of the project engineers, Susan Spratt, P.E. from McKenzie Engineering, shared proposed plans with Board members and members of the public. The Applicant's representatives responded to questions by panel members relating to proposed changes in positioning of site features, including moving an apartment building closer to a northerly abutter, fencing heights and landscaping, and other possible ways to minimize impact on neighboring dwellings.

There was high interest in the Board's discussion with the Applicant, as evidenced by approximately two dozen members of the public present. However, as this matter is before the Board of Appeals for discussion and is not currently in a public hearing, members of the public were not invited to speak. Although it was clear members of the public felt the proposed changes, previously reviewed with the Conservation Commission, should be considered "substantial", the current 40B regulations define what can or cannot be considered "substantial". The relevant sections of 760 CMR 56 were recommended to anyone interested in seeing what the Board is allowed to do, while also complying with those regulations.

With concurrence of the Applicant's attorney, upon a motion duly made and seconded, Members Rivkind, Greene, and Barbour were individually polled and **VOTED** unanimously to approve extension of the Comprehensive Permit for an additional two-year period to February 20, 2023, as an insubstantial change.

Further, upon a motion duly made and seconded, Members Rivkind, Greene, and Barbour were individually polled and **VOTED** unanimously with concurrence of the Applicant to continue discussion to Wednesday, March 10, 2021, to determine whether changes as may be amended by subsequent plan revisions are insubstantial, as detailed in Attorney Baker's Notice of Project Change letter, dated January 20, 2021.


555 Cordwainer Drive: Relating to the Planning Board modification vote for project plan changes, as filed with the Norwell Town Clerk on January 20, 2021, upon a motion duly made and seconded, Members Brown, Rivkind, and Barbour were individually polled and **VOTED** unanimously to approved the plan changes, as recommended by the Norwell Planning Board. The Chair will confirm in a letter to the Applicant's engineer.

PUBLIC HEARING: Upon a motion duly made and seconded, Members Green, Bright, and Dean were individually polled and **VOTED** unanimously to approve the application for a Section 6 Finding/Special Permit on property located at **141 High Street**, as the requisite sign-offs from Conservation and the Board of Health have now been received. Member Dean will write the decision.

MEMBER RESIGNATION: The Chair noted with regret the resignation of Member Steve Bright for personal reasons. The Board wishes him well and appreciates his thoughtful and substantive contributions during his time on the Board. He will be missed. We are hopeful that Mr. Bright might be able to rejoin the Board at some time in the future.

ADJOURNMENT: Upon a motion duly made and seconded, members present were individually polled and **VOTED** unanimously to adjourn the business meeting and public hearing at approximately 7:55 P.M. to enter into executive session and not return to open session.

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 March 3, 2021 in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed:  Date: March 4, 2021
As Clerk/Assistant Clerk Clerk

Next scheduled meeting on March 3, 2021

Next Public Hearings – 3/3/21

7:30 P.M. *Section 6/Special Permit in-law* **182 Lincoln St** (PYB, DMS, NKD)
7:35 P.M. *Section 6/Special Permit:* **44 Gerard Road** (RJR, NKD, MHG)
7:40 P.M. *Continued Site Plan Modification/Special Permit:* **136 Longwater Drive** (MHG, LSB, DMS)
7:45 P.M. *Site Plan/Special Permit:* **144-148 Washington Street** (PYB, LSB, MHG)
7:50 P.M. *Variance:* **Lot 84 Winter Street** (PYB, RJR, DMS)

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