

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

TOWN OF NORWELL  
TOWN CLERK

2021 APR -8 P 3:33

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**MEETING DATE:** Wednesday, March 10, 2021  
**TIME SCHEDULED:** 7:00 P.M.  
**LOCATION:** Remote Meeting held VIA Zoom  
**MEMBERS PARTICIPATING:** Lois S. Barbour, Chair  
Ralph J. Rivkind, Clerk  
Nicholas K. Dean  
**MEMBERS ABSENT:** Philip Y. Brown, Vice Chair  
Matthew H. Greene  
Daniel M. Senteno  
  
**REPRESENTING THE TOWN:** R. W. Galvin, Town Counsel  
John C. Chessia, Chessia Consulting Services  
  
**FOR THE APPLICANT:** Warren F. Baker – B, B, & B  
Kimberly K. Kroha – B, B, & B  
Bradley C. McKenzie, P.E.; McKenzie Engineering  
Susan B. Spratt, P.E.; McKenzie Engineering  
Brian Murphy, Unicorn Realty  
  
**TOWN HALL MONITOR:** Not required; no appointments made in advance

This was the seventeenth 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 7:06 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 business meeting minutes of 3/3/21, with reading of the minutes waived.

**INVOICES:** No invoice was presented.

**DISCUSSION:**

**Simon Hill 40B:** The Notice of Project Change letter, dated January 20, 2021, from Warren F. Baker, Attorney for the Applicant was on the agenda for continued discussion. Member Dean, who was present during discussion at the prior meeting, served as a replacement for Member Greene who was unavailable due to a last-minute business conflict to which no objection was raised.

Due to questions raised during the meeting on February 10, 2021, Attorney Kroha of BB&B explained proposed changes detailed in the letter of March 8, 2021, that included plans. Project engineer, Susan Spratt, P.E. from McKenzie Engineering, shared those plans and responded to Board questions and limited questions from members of the public, including those submitted in the Zoom "chat". The Applicant's representatives responded to questions by panel members relating to the proposed changes in the so-called 81' plan showing changes in apartment building locations away from the perimeter and wetlands, fencing height and location clarification, as well as landscaping on the northerly and easterly sides of the property. One question remaining unanswered is the delta in impervious surface, due to the recent Superseding Order of Conditions and building footprint changes under consideration per the 81' plan and how that could impact the project.

There was again 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 limited in their ability to speak.

Member Barbour made the following motion that was seconded by Member Dean with discussion then opened by Chair Rivkind:

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*I move that the Board of Appeals approve the proposed changes shown on the Notice of Project Change Plan dated October 29, 2012 with amendments through September 23, 2019 as further revised on the 81FT Option Plan, dated March 8, 2021, as changes that are not substantial; however, the Board expressly makes no finding that the proposed changes on the amended plans comply with the HAC Decision dated October 13, 2011 (Pages 29-30) and the Amended Comprehensive Permit Decision dated October 21, 2013, specifically for General Conditions 17 and 18 and Waivers only Partially Granted under the Local Wetlands Bylaws.*

During the discussion, Attorney Kroha, verbally requested an amended motion. The Board and its attorney requested the amendment wording be provided in writing, as well as a further extension to March 24, 2021.

Several questions relating to what members of the public considered to be "significant", such as building height reduction to 2-stories instead of the currently permitted 40', landscaping, fencing, and other were responded to by Attorney Galvin, members of the Board, and the Applicant's team.

MacKenzie Lynch of 51 Simon Hill Road and Tom Graefe of 69 Simon Hill Road expressed concern about drainage issues. In response, Attorney Galvin shared that project monitoring by the Town's consultant, paid for by the Applicant, is a requirement of the Board's decision and is intended to ensure the project construction meets the requirements contained in that decision and any approved amendments thereto, such as this Notice of Project Change request.

After discussion ended, upon a motion duly made and seconded, Members Rivkind, Greene, and Barbour were individually polled and **VOTED** unanimously to table the motion to allow time for the Applicant's attorney to submit proposed amended wording to the Board's motion in writing, and with concurrence of the Applicant to continue

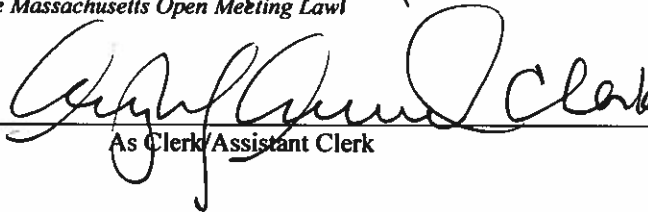
discussion to Wednesday, March 17, 2021, at 6:45 PM with an additional extension of time to act on the Notice of Project Change to March 24, 2021.

**ADJOURNMENT:** Upon a motion duly made and seconded, members present were individually polled and **VOTED** unanimously to adjourn the business meeting at approximately 8:30 P.M.

**PUBLIC HEARINGS:** None scheduled

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 3/17/21 in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law

Signed: \_\_\_\_\_

  
As Clerk/Assistant Clerk

Date: 4/8/21

**Next Public Hearing – 3/17/21**

7:30 P.M. Section 6/Special Permit in-law **33 Leigh Road** (PYB, DMS, ND)

Next scheduled meeting: April 7, 2021

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