

Town of Norwell
BOARD OF APPEALS
Meeting Minutes for 40 River Street 40B
May 31, 2017

MEETING DATE: Wednesday, May 31, 2017
TIME SCHEDULED: 7:30 P.M.
LOCATION: Osborne Room
PANEL MEMBERS PRESENT: Ralph J. Rivkind, Hearing Chair
Lois S. Barbour
Thomas P. Harrison
FOR THE TOWN: R. W. Galvin, Town Counsel
Gregg McBride, Board of Selectmen
Peter Shea, President – Community Housing Trust (CHT)
Elizabeth Hibbard, CHT
Patricia Richardson, CHT
T. Andrew Reardon, CHT
Susan Curtin, Director – Council on Aging
FOR THE APPLICANT: Mark Bobrowski, Attorney
Jennifer Van Campen, Executive Director – Metro West
Christopher J. Alpren, Attorney
Randy Johnson, Architect – Resolution Architects
Dan Brainerd, Resolution Architects
Peter Palmieri, Merrill Engineers & Land Surveyors

Chair Rivkind opened the public hearing at approximately 7:30 P.M. after reading of the public notice for review of the 40B Comprehensive Permit application submitted on property located at 40 River Street, site of the former police station.

Panel members were introduced, and the Applicant's team was invited to present the project.

Prior Meeting with the Board of Selectmen: The Board stated that it had met with the Board of Selectmen on May 17, 2017, to discuss whether there might be any contractual agreement relating to fees or taxes, precipitated by the Applicant's request for exemptions or waivers. Two of the panel members were present at that meeting and learned that the BoS would like the project to be subject to the Town's property taxes. Although there does not appear to be a contract to which the Board of Appeals is bound at this time, the Board did state that it would be open to discussions but needs further information, including project costs.

Project Attorney Mark Babrowski with Executive Director Van Campen of Metro West introduced the project and responded to questions throughout the presentation. Attorney Babrowski stated the project would be restricted to occupancy to a minimum of one person aged sixty (60) or older in a given unit. Funding will be through the Housing Stabilization Fund. Ten (10) units will require occupants to meet affordability criteria of less than 80% of the local median income with the remaining eight (8) units for persons in the income range of 80-100% of local median. [Ed. Note: The local median income was revised to \$68,000 after the meeting by Jennifer Van Campen to correct an earlier erroneous number stated during the public hearing.]

Project Engineer: Peter Palmieri of Merrill provided basic information about the site, which is 2.56 acres overall with 2.5 acres of upland and the remainder wetlands. There is Natural Heritage jurisdiction. The proposed building will provide eighteen (18) residential units with twelve (12) single bedroom and six (6) with two bedrooms.

Parking: Twenty-two parking spaces are currently proposed, two of which are handicapped accessible. However, this may be revised. Eight (8) "overflow" parking spaces are proposed for the lower level, which is now impervious but which will become pervious with a honey-combed plastic in-ground structure reinforced with sand and gravel. The parking calculations are based on 1.5 vehicles per unit, which calculation for eighteen (18) units would equal twenty-eight (28) parking spaces. Chair Rivkind expressed concern that the math does not work for the currently proposed twenty-two (22) spaces. The proposed "overflow" parking would be far less convenient for residents.

Engineering Details: Grading will increase the slope to 2:1. The stormwater catch basin will accommodate roof run-off for 25- and 100-year storm events and will exceed the DEP total suspended solids removal with 97% proposed. Utilities from River Street will be connected from the existing pole. Gas will be provided. As the watermain is located across the street, pipes will need to be run from that point with a road opening likely. Haybales will be placed along the limit of work. The site distances on River Street for the proposed entrance exceeds AASHTO requirements. Although none exists on River Street at this time, Mr. Palmieri indicated there could be a tie-in to sidewalks. The energy performance is anticipated to exceed new regulations due in one year. Dark Sky lighting standards were discussed with Member Barbour expressing a strong concern that this project meet those requirements.

Architect: Dan Brainerd of Resolution Architects presented the architectural drawings. He showed the front elevation that will fit in with the colonial style housing in the neighborhood. In addition to the eighteen (18) residential units, there will be office space for management staff with conference areas for resident support, an open community room with a kitchenette, library, and common laundry, although laundry hook-ups will be provided in each unit.

In response to a question, the distance of the proposed building to the sideline nearest the First Parish Church was indicated to be 24.8'

Veterans Preference: Chair Rivkind stated concern that the current application does not reflect the preferences represented at Town Meeting when the warrant article authorizing transfer of this property from the Town for use as affordable housing was voted. He cited a competing warrant article that could have authorized use of the site as an American Legion with no tax benefit to the Town. Mr. Rivkind referenced handouts from that Town Meeting that indicated preference for veterans and current residents and that the project would provide tax revenue. Lengthy discussion followed.

Members of the Community Housing Trust spoke about preferences for veterans and current residents, which early in their planning relied upon public housing requirements as a guide. As a 40B application is now being considered that is not "public" housing, some confusion arose that was subsequently clarified. Ms. Van Campen will look into options relating to veterans' preference and report back at the next meeting. Perhaps, something could be written into the Monitoring Agreement.

Peter Shea, President of the Community Housing Trust (CHT), indicated that the Town Meeting presentation was created before the current developer became involved and the group has learned much since the initial concept was discussed.

Ms. Van Campen explained how a lottery might work and stated pools were only good for two years at which time, anyone still on the waiting list would need to reapply for a new lottery. She did state that the proposed project would be permanently deed-restricted for affordable housing.

Resident Comments and Questions: Brian Greenberg of 335 Cross Street asked how fourteen units proposed at Town Meeting could become what is now an eighteen-unit project. Attorney Galvin stated as no number was specified in the warrant article voted for this project, no legal impediment exists in increasing the number of units. Mr. Greenberg also expressed concern that the project not be exempted from fees that Town residents are required to pay nor from property taxes, which he felt would be unfair to Town residents.

Filing Fee Reduction Request: Attorney Bobrowski requested a reduction of the \$14,000 application filing fee to \$5,000. After lengthy discussion, upon a motion duly made and seconded, members **VOTED** unanimously to approve a reduction to \$7,000 or 50% of that required.

Taxes and Fees: Although a figure of \$37,000 was shown in Town Meeting handouts as the anticipated tax revenue, Mr. McBride indicated in current discussions with the assessors, an estimate of \$46,000 appears to be the current figure. He will pursue further information with the Board of Assessors for the next meeting.

Escrow: A Scope of Services contract was received from Chessia Consulting Services that indicated five weeks would be allowed to complete the peer review. As the developer is hoping for an expedited timeline for the Board of Appeals to reach its decision (with a mid-July date requested), the Board discussed whether this could be reduced. Member Barbour stated she would contact Mr. Chessia on the next day to authorize him to proceed with the requisite review and to determine when a report could be anticipated. (The expedited timeline would place this project at the head of the line for a new state-funded program.) Attorney Bobrowski stated he had previously worked with Mr. Chessia and would be pleased to work with him again on this project.

ADJOURNMENT: At approximately 8:40 P.M., upon a motion duly made and seconded, members **VOTED** to continue the public hearing to Wednesday, June 14, 2017, at 7:00 P.M.

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 14 JUNE 2017, in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed:  Date: 14 JUNE 2017
As Clerk/Assistant Clerk

Copy filed with: Office of the Town Clerk
Posted to Town Website

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TOWN CLERK
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