

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
Discussion Session 1 – Tiffany Road 40B

TOWN OF NORWELL
TOWN CLERK

2015 JUL 23 AM 10:14

RECEIVED

MEETING DATE: May 20, 2015
TIME SCHEDULED: 7:15 P.M.
LOCATION: Town Hall Gym
MEMBERS PRESENT: Lois S. Barbour, Chair
Philip Y. Brown, Vice-Chair
David Lee Turner, Clerk
Thomas P. Harrison
Ralph J. Rivkind
OTHERS PRESENT: R. W. Galvin, Town Counsel (until 8:00 P.M.)
John C. Chessia, P.E., Board's Consulting Engineer
APPLICANT: C. R. Agostino, Esq. – Applicant's attorney
Muhammad Itani, President of Tiffany Hill, Inc.
James A. Pavlik, P.E. of Outback Engineering
Joseph Dorsett, Jr. of Environmental & Energy Solutions, Inc.
Kevin and Brian Sealund, Site Contractors of Sealund Corp.

The Tiffany Road 40B business meeting discussion scheduled at 7:15 P.M. was called to order at approximately 7:20 P.M., relating to questions about project phasing and the Certificate of Vote filed with the Town Clerk on 2/15/15, and structural fill.

STRUCTURAL FILL: There was discussion of the LSP report from Environmental & Energy, prepared by Joe Dorset, Jr., President relating to *structural* issues, which the Chair clarified was not the concern. The Board's issue relates to potential contamination of groundwater and ultimately Third Herring Brook by the fill material that was not approved by the Board's project monitor, as required, prior to being brought to the site. Although Mr. Agostino asserted that the State encourages use of such recycled concrete and asphalt material for structural fill, the fear is that this material could potentially leach contaminants to the groundwater or surface waters feeding into Third Herring Brook.

In response to a member question, the site contractors advised that approximately 3,000 cubic yards of the material in question has already been deposited on site. Another 3,000 cubic yards of similar material will be required to complete stabilization of the site. Mr. Turner expressed concern that such material must be appropriate for the purpose and meet compaction requirements. He further stated that any subsurface water flow beneath the roadway could be a problem.

Mr. Agostino stated that no additional material of the type that is being questioned would be brought to the site, which responds to Board concerns about such fill. However, this does not address any residual concerns the Board might have about potential contamination from the fill already on site that he asserted meets drinking water standards. Member Turner asked about the environmental risk insurance policy that Mr. Agostino stated could cover. (Ed. Note: The insurance policy requirement contained in Paragraph 13 of the Endorsed Disposition Agreement, HAC File No. 04-15, filed with the Norwell Town Clerk on February 25, 2010, relates only to failed septic systems.)

The Board will require a signed and sealed certification by the appropriate professional (LSP) relating to the safety of the material that has been used on site to this point. An extra column providing GW3 (groundwater) Standard is to be included.

PROJECT PHASING: The developer will complete the binder course on the full length of the site roadway and then start building units in the Phase 2 section at the top of the property. Phase 1 units will be constructed after Phase 2 is completed.

DRAINAGE: In response to Mr. Rivkind's worries about the winter conditions, which he expressed as a concerned neighbor, Mr. Agostino confirmed the drainage on Tiffany Road does need to be improved per the owner's commitment. Mr. Agostino indicated resizing of pipes on the public road would improve drainage and mitigate concerns. Mr. Agostino stated that the Project must be a good neighbor and documents must define what is required.

Mr. Itani indicated that drainage on Tiffany Road was a problem before the project started. Although he acknowledged the winter was extreme, Mr. Rivkind stated as a resident in the area for thirty-eight years, he had never seen the roadway as icy or as dangerous as it was over the past winter, especially at the entrance to the project. He further stated that the owner has a responsibility for public safety.

It was agreed that Mr. Agostino would write a letter to the Board clarifying phasing of the project and obtain LSP certification of the safety of the structural fill that has already been placed on site.

The discussion relating to the Tiffany Road 40B was adjourned at 8:20 P.M. with the discussion on Damon Farm following at approximately 8:25 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 22 JUL 2015, in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed: _____


As Clerk/Assistant Clerk

Date: 22 JUL 2015

Copy filed with: Office of the Town Clerk

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