

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
with Public Hearing Votes
September 12, 2018

MEETING DATE: Wednesday, September 12, 2018
TIME SCHEDULED: 7:00 P.M.
LOCATION: Gym
MEMBERS PRESENT: Lois S. Barbour, Chair
Philip Y. Brown
David Lee Turner, Clerk
Thomas P. Harrison (arv. 7:32)
Ralph J. Rivkind, Asst. Clerk
Roy W. Bjorlin
Matthew H. Greene
OTHERS PRESENT: R. W. Galvin, Town Counsel
Anthony Riley, Associate
Jennifer Van Campen, Director – Metro West
Peter Shea, Community Housing Trust

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BUSINESS MEETING: The meeting was called to order at approximately 7:20 P.M.

Board members were again introduced to Roy Bjorlin, attending his second meeting as a recently appointed new member to the Board of Appeals and Matthew H. Greene, attending his first. Members look forward to working with both.

Attorney Galvin arrived with his new associate, Anthony “Tony” Riley and introductions were made. The Board is pleased to learn that Attorney Riley has extensive experience working in the Land Court and looks forward to taking advantage of his knowledge and expertise in the future.

AGENDA: Upon a motion duly made and seconded, members present **VOTED** unanimously to approve the evening’s agenda.

MINUTES: Upon a motion duly made and seconded, members present **VOTED** to approve minutes for July 25, 2018, with Matt Greene abstaining, as this evening’s meeting is his first as a ZBA member.

INVOICES: Upon a motion duly made and seconded, members present **VOTED** (with new Members Bjorlin and Green abstaining) to approve Chessia Consulting Services invoices, dated 8/1/18, as follows: #1984 in the amount of \$60.00 for the Damon Farm 40B project, #1989 in the amount of \$189.00 for the 40 River Street 40B project, and #1985 in the amount of \$60.00 for the Tiffany Hill 40B project; as well as Chessia Consulting Services invoices, dated 9/9/18, as follows: #2004, in the amount of \$1,156.00 for the 40 River Street 40B project and #1997 in the amount of \$300.00 for the 370 Washington Street project.

DISCUSSION: The business meeting discussion on the 40 River Street 40B was suspended while awaiting the arrival of the third Panel Member Harrison, who was caught in Boston traffic. The first public hearing application scheduled was heard on time at 7:30 P.M. Shortly after arrival of panel Member Harrison, the Board returned to its business meeting agenda for the following agenda item discussion.

40 River Street 40B Project: In response to prior discussions and the request contained in a letter, dated September 10, 2018, from Jennifer Van Campen, Director of Metro West Collaborative Development, Ms. Van Campen with Peter Shea of the Community Housing Trust joining her, met with the Board about the requested waiver of “several conditions” detailed in that letter, relating to the previously approved Comprehensive Permit filed with the Town Clerk on July 26, 2017, as detailed below.

1. **Condition A-16 and C-11** relating to “final landscaping plan”

After discussion, upon a motion duly made and seconded, Members Rivkind, Harrison, and Barbour **VOTED** to grant an extension for this requirement to October 30, 2018, by which time the plan will be delivered to the Board of Appeals for review

2. **Condition E-1**: This condition is not applicable as the “roadway” is actually a driveway.

After discussion, upon a motion duly made and seconded, Members Rivkind, Harrison, and Barbour **VOTED** to allow the grant of a building permit without this requirement being imposed.

3. **Condition E-2**: No interim plan for a drainage basin will be required as a condition for a building permit. However, this condition must be met per the below.

After discussion, upon a motion duly made and seconded, Members Rivkind, Harrison, and Barbour **VOTED** to waive the requirement for an interim as-built plan for a temporary drainage basin with the requirement that any and all permanent structures will be show on the final as-built plan that will include all other requisite features.

4. **A-5. General Conditions**: relating to payment of building permit fees, required in the Comprehensive Permit. The discussion of building permit fees related to both the estimated \$70,000. amount due and payable for issuance of a building permit for construction valued at approximately \$6 million, based upon a fee of \$15./\$1,000. of building value. An additional estimated \$30,000. for project wiring and plumbing inspections was also identified. These amounts were obtained in conversations by the Chair with the Norwell building inspector and confirmed in two separate discussions, including one the afternoon of this meeting. The building inspector stated it has been customary in municipal construction to waive the building permit fee but charge for the wiring and plumbing inspectors that act as independent contractors, paid out of those fees. As the proposed affordable housing at the site of the former police station at 40 River Street is being partially funded by CPC funds approved by the Town and was originally proposed by the Community Housing Trust at Town Meeting, it was determined this construction could be considered a “municipal” project for building permit fee purposes and enjoy a similar exemption to other municipal projects for which only the plumbing and wiring inspection fees would be charged as an out-of-pocket expense.

Upon a motion duly made and seconded, Members Rivkind, Harrison, and Barbour **VOTED** that within thirty (30) days after issuance of the building permit, the applicant shall deposit with the Town \$30,000. for

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plumbing and wiring inspection fees with the understanding that if [the special building permit escrow account] is drawn down below \$4,000., it shall be replenished to an agreed upon amount in order to continue with construction. Any excess funds shall be refunded to the Applicant after the final inspection.

After the votes on the above items, Member Harrison cautioned Ms. Van Campen that any future amendments relating to the Comprehensive Permit must be presented to the Board, which has sole authority over any potential condition changes therein, to avoid any confusion on the part of other Town officials and to expedite any purposeful response to such requests.

ADJOURNMENT: The Board returned to its public hearing schedule at approximately 8:10 P.M. with public hearings completed at approximately 8:22 P.M.

PUBLIC HEARING VOTES:

1. The public hearing listed at 7:25 P.M. for **35 Block House Lane** was not heard due to lack of timely public notice and is scheduled for October 3, 2018.
2. Upon a motion duly made and seconded, Members Barbour, Turner, and Rivkind **VOTED** unanimously to approve the **Special Permit/Sec. 6 Finding** application on property located at **11 Brantwood Road**. Member Barbour will draft the decision.
3. Upon a motion duly made and seconded, Members Brown, Harrison, and Bjorlin **VOTED** unanimously to approve the **Special Permit/Sec. 6 Finding** application on property located at **18 John Adams Drive**. Member Brown will draft the decision.
4. Upon a motion duly made and seconded, Members Turner, Rivkind, and Bjorlin **VOTED** unanimously to approve the **Sign Variance** application on property located at **45 Pond Street**. Member Brown will draft the decision. Member Bjorlin will draft the decision.
5. Upon a motion duly made and seconded, Members Brown, Turner and Harrison **VOTED** unanimously to approve the **Special Permit** application on property located at **61 Accord Park Drive** and continue the **Site Plan** portion of the application to October 3, 2018, at 7:45 P.M. Member Barbour will draft the decision.
6. Upon a motion duly made and seconded, Members Barbour, Brown, and Rivkind **VOTED** unanimously to continue the **Site Plan** application on property located at **111, 113, 119 Washington Street** to October 17, 2018, at 7:30 P.M. [N.B. This will likely be continued to 11/7/18 due to Planning Board scheduling.]

NEXT SCHEDULED MEETING: Wednesday, September 12, 2018.

These minutes have been approved with reading of the minutes waived by unanimous vote of the Board of Appeals at public meeting duly held on 02 OCT. 2018 in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed:



As Clerk/Assistant Clerk

Date: 02 OCT. 2018

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