

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
July 27, 2022

TOWN OF NORWELL
TOWN CLERK
2022 AUG -9 AM 11:20
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MEETING DATE: Wednesday, July 27, 2022
TIME SCHEDULED: 7:00 P.M.
LOCATION: Osborn Room
MEMBERS PRESENT: Lois S. Barbour, Chair
Ralph J. Rivkind, Clerk
Nicholas K. Dean
William J. Lazzaro
Stephen H. Lynch
Joseph E. LaFleur
MEMBERS ABSENT: Philip Y. Brown, Vice Chair
Daniel M. Senteno

Tiffany Hill 40B Representatives: Jim Pavlik, Outback Engineering
Dan Greenberg, Site Manager of Stonebridge Homes

CALL TO ORDER: The business meeting was called to order at approximately 7:01 P.M.

Zoom Protocol: Mr. Lynch provided information about the protocols for those on Zoom during the public meeting/hearings.

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

NEW MEMBER INTRODUCTION: Joe LaFleur, recently appointed an associate member by the Select Board, was introduced and welcomed at his first official meeting this evening.

MINUTES: Upon a motion duly made and seconded, members present **VOTED** to approve the July 6, 2022, meeting minutes with new Member LaFleur abstaining, as he had not yet been sworn in as an associate member at the time of that meeting.

INVOICES: Upon a motion duly made and seconded, members present **VOTED** to approve Chessia Consulting invoice #2959, dated 7/6/22, in the amount of \$724.00, for the Damon Farm 40B project. Upon a motion duly made and seconded, members present **VOTED** to approve W.B. Mason invoice #S126252434 in the amount of \$17.30 for office supplies.

CASELAW DISCUSSION: Member Rivkind noted with interest the recent SJC-13244 decision sent to all members by the Chair, involving the City of Boston vs. the Quincy Conservation Commission that has implications for any conservation commission's rules, bylaws, and decision specificity. As the ZBA is working on Rules revision, this will have implications for the ZBA, as well. (N.B. The Norwell Conservation Commission Chair received a copy of this case.) Member Rivkind stated he wants to ensure that Town Counsel is aware of this important case.

15 HIGH STREET 40B: Additional documentation has been received and the project is moving forward expeditiously.

TIFFANY HILL 40B: As he is a homeowner in this development, upon the advice of Town Counsel, Mr. LaFleur recused himself and left the meeting room during this discussion. Member Lynch has been monitoring progress on behalf of the Board and provided an update. Although a site visit had been scheduled on Monday, July 25, 2022, it was canceled as premature. As

Member Lynch began to review the first items on the "List of 20" with the developer's representatives, it became clear that information provided to the Board was incomplete and not in a format that provided all required information from the Applicant. Mr. Chessia further indicated there are project change requests, which should be made by the developer and that would require approval by the Board prior to revision of drainage calculations and the submission of the final As-Built plan. Member Barbour stated that the "exclusive use" plans provided to homeowners at the time of conveyancing as part of the closing packets must have been part of a comprehensive "exclusive use plan", which (1) as previously noted, should have been properly surveyed with (2) a copy of that plan submitted to the ZBA with a request to approve as a modification. A definition of "exclusive use" should be clearly understood by all parties.

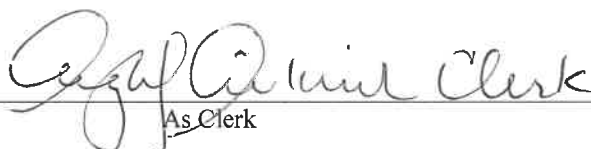
The next meeting is anticipated to be mid-September. The developer/representatives must have submitted the above information with a report on the status of the "List of 20", including the bond agreement conditions. The developer must submit an exclusive use plan to the Board for approval as a modification of the original Comprehensive Permit and previously approved modifications. Specifically, the Board has requested that each completed item on the "List of 20" be identified as such with the date completed or, if not completed, the Board requires a narrative on progress, including percentage completed and anticipated date to complete. The response to each item on the list should immediately follow that item and not be listed on a separate page.

Both Messrs. Greenberg and Pavlik appreciated the opportunity to understand and clarify what the Board will require to close out this project and agreed they would need a least a month to develop the requisite information. It was noted that Mr. Pavlik did not participate in the original 9/27/22 meeting due to illness and Mr. Greenberg has recently assumed project responsibilities.

DAMON FARM: No additional information has been received from the developer, although the Board's administrative assistant did follow up again recently.

ADJOURNMENT: Upon a motion duly made and seconded, at approximately 7:36 P.M., members present **VOTED** unanimously to adjourn the business meeting in order to conduct scheduled public hearings.

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 8/8/22 in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed:  Date: 8/8/22
As Clerk

Next scheduled meeting: August 8, 2022

Public Hearings – 7/27/22

Upon a motion duly made and seconded, Members Dean, Lazzaro, and Lynch **VOTED** unanimously to continue the Site Plan/Special Permit application on property located at **341 Washington Street** to August 8, 2022, as the Applicant is still before the Planning Board.

Upon a motion duly made and seconded, Members Barbour, Lazzaro, and Lynch **VOTED** unanimously to continue the Site Plan/Special Permit application on property located at **136 Longwater Drive** to August 8, 2022, as the Applicant is still before the Planning Board.

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