

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
November 15, 2022

TOWN OF NORWELL
TOWN CLERK

2022 DEC 22 AM 11:03

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MEETING DATE: Tuesday, November 15, 2022
TIME SCHEDULED: 7:00 P.M.
LOCATION: Osborn Room at Town Hall
MEMBERS PRESENT: Lois S. Barbour, Chair
Ralph J. Rivkind, Clerk
Daniel M. Senteno
Stephen H. Lynch
MEMBERS ABSENT: Philip Y. Brown, Vice Chair
William J. Lazzaro
Joseph E. LaFleur

On behalf of the ZBA: R. W. Galvin, Town Counsel on Zoom
John C. Chessia, Peer Review Consultant

On behalf of Tiffany Hill 40B: Daniel M. Greenberg, Stonebridge Homes Site Manager

CALL TO ORDER: The business meeting was called to order at approximately 7:00 P.M.

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

MINUTES: Upon a motion duly made and seconded, members present **VOTED** unanimously to approve meeting minutes of 10/6/22, 10/19/22, and 11/2/22, with waiving of the reading of the minutes.

INVOICES: Upon a motion duly made and seconded, members present **VOTED** unanimously to approve Chessia Consulting invoice #3042 in the amount of \$349.50 for the 136 Longwater Drive project. Upon a motion duly made and seconded, members present **VOTED** unanimously to approve Chessia Consulting invoice #3043 in the amount of \$849.50 for the 341 Washington Street project. Upon a motion duly made and seconded, members present **VOTED** unanimously to approve Chessia Consulting invoice #3058 in the amount of \$774.00 for the Tiffany Hill 40B Project.

DISCUSSION – 341 WASHINGTON STREET: An email, dated 11/14/22, was received requesting that the owner be allowed to remove a tree. Upon a motion duly made and seconded, members present **VOTED** unanimously to grant tree removal but a landscaping plan proposing plant material for mitigation must be presented to the ZBA. The ZBA will require that any Certificate of Occupancy be held until this is satisfactorily addressed in a Site Plan modification with a mark-up of the landscaping plan presented at its next meeting on 12/21/22.

DISCUSSION – 555 CORDWAINER DRIVE: A cash bond was received and the CO was issued to enable the Owner to move forward with the requisite State permits.

DISCUSSION – TIFFANY HILL 40B: Chair Barbour received an email from Mr. Greenberg the day before this meeting that was distributed to Board members just prior to the meeting. Member Lynch stated the Board is awaiting receipt of updated plans and completion of the “list

of 20". Mr. Greenberg wanted to hear Mr. Chessia's update before speaking. Mr. Chessia stated the Applicant provided pre-development calculations as approved to compare with post-development calculations as approved, and post-development for a flood study done for Third Herring Brook, as well as an As-Built Plan including any prior changes with a new set of calculations. Mr. Chessia noted all houses have been designed with infiltration basins that is unusual. The design engineer should certify separation from groundwater and that other design elements work. Three larger houses on the approved plans with a mix but others are similar in size. Changes resulting in development of the property should show there is no perceptible difference in runoff from its undeveloped state. The Board's consultant did note that some drainage pipes are inconsistent with design pitch going the wrong way or flat. Additionally, one manhole is not surveyed with another inaccessible because of a hood. There are some gaps in about four of the drainage inverts.

Mr. Greenberg wanted to clarify what the developer needs to do. He understands that the drainage/infiltration systems from roof-drains should be included on the plans and the larger-sized houses identified with elevations and connections. Mr. Chessia stated that any structures different in pitch could be a result of the survey being off or a result of a reverse pitch. The design engineer should look at it to determine any impact that could result in overflow or limit the carrying capacity.

Item 4 on the Chessia Report: The impact statement should be a project certification signed and sealed by the design engineer.

Item 3: Informational only.

Cost estimates were reviewed by Mr. Chessia and compared with the List of 20. As Attorney Galvin had previously noted all completed items should be crossed off the list, including paving and sidewalks. If an item was only partially completed, it remains on the list. There has been some cleaning of forebays. The catch basins do not technically warrant cleaning based on recent measurements. However, cleaning should be done on at least an annual basis but need to be inspected four times per year. Repair of the swales remains an open item. It was noted that erosion on the back basin has been repaired. Any limit of work clearing should be included on the as-built (half of that amount should be returned to developer). Member Lynch commented on the grate that should be aluminum. Mr. Chessia noted that the remaining cost of incomplete items is \$26,500 with any difference to be returned to the developer, as indicated by Attorney Galvin at the last meeting.

Mr. Senteno noted that Item 5 was cleaned in 2020 and whether that is an issue. Mr. Chessia noted that a 6" build-up is not a lot. Once the site is stable and a mild winter, no heavy accumulation would be expected. However, sand can build up over a significant winter. As Member Lynch noted, cleaning of basins has been a responsibility of the Trustees since last November 2021.

Alan Apjohn, Trustee, asked about drainage issues on the left side of the project. Although the swale/drainage issue can impose significant problems, it should not be a high-cost item to remedy, according to Mr. Chessia.

Upon a motion duly made by Member Rivkind and seconded by Member Barbour, \$26,500. will be held for the outstanding items on the so-called "List of 20", as recommended by Mr. Chessia, from the remaining balance of the \$78,000. currently held by the Town of Norwell, Members Rivkind, Lynch, and Barbour **VOTED** unanimously to approve partial return of the remaining cash bond to the Developer.

Mr. Apjohn raised the 11/14/22 note from Trustees requesting the Board to formally address highway noise from Route 3. Member Lynch explained that the finding of the Comprehensive

Permit relating to noise was not a condition and is not legally binding. Further, the Comprehension Permit decision was timely appealed by the developer to the Housing Appeals Committee and a Disposition Agreement was reached that impacted the original decision and resulted in plan changes.

Dan Greenberg, Site Manager of Stonebridge Homes, Inc., noted that \$26,000. was expended for 180' of stockade fencing as a barrier to Route 3. Richard Spriano of 15 Hillcrest Circle stated a recent out-of-state purchaser was unaware of the proximity to the highway. Town Counsel Galvin stated that any noise issues are between the Developer and unit owners and are outside of the ZBA's authority.

Member Lynch pointed out that the Norwell Zoning Bylaw requires only 100' of vegetative buffer to Route 3 with the closest house 215' from the highway. He also suggested the MA DOT has a program that might help with noise abatement that could be looked into further by the Trustees, if they so desired.

Mr. Apjohn brought up the issue of trees removal as a safety issue, which is a decision that the Trustees can make. However, any work done on the property should comply with the exclusive use area (EUA) that was a component of individual unit owners' conveyancing packets.

The Board requested a formal letter requesting a modification of the Comprehensive Permit to acknowledge the EUA to be acted upon at the next business meeting on 12/21/22.

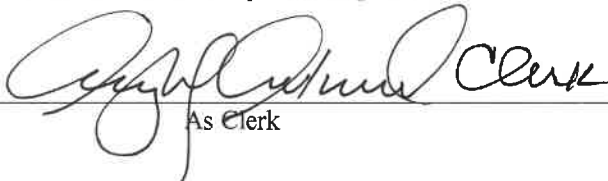
Member Lynch suggested an agreement be reached on which properties unit-owners have gone beyond the limit of work. Mr. Apjohn stated that agreement has been reached with each unit-owner and the Trustees about what is in the EUA.

Mr. Greenberg would like to schedule a meeting outside of a regular ZBA business meeting to ensure that the developer understands which items pointed out by Mr. Chessia remain unresolved. Member Lynch indicated such a meeting would be a turnover exercise. Mr. Chessia requested that Mr. Greenberg comment on areas where he doesn't agree with the Chessia report, prior to any site walk.

Chair Barbour indicated that meeting can be schedule through the Board's administrative assistant. Mr. Greenberg should provide a couple of possible dates for a meeting to include Messrs. Greenberg, Pavlik, Apjohn, Chessia, and Lynch.

ADJOURNMENT: As all agenda items having been discussed, upon a motion duly made and seconded, members present **VOTED** unanimously to adjourn at approximately 8:00 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 12/21/22 in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed:  Clerk Date: 12/21/22
As Clerk

Next scheduled meeting: December 21, 2022

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