

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
with Public Hearing Vote
March 17, 2021

TOWN OF NORWELL
TOWN CLERK
2021 APR -8 P 1:03

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MEETING DATE: Wednesday, March 17, 2021
TIME SCHEDULED: 7:00 P.M.
LOCATION: Remote Meeting held VIA Zoom
MEMBERS PARTICIPATING: Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
Ralph J. Rivkind, Clerk
Daniel M. Senteno arv. 7:08 P.M.
Nicholas K. Dean
MEMBERS ABSENT: Matthew H. Greene
REPRESENTING THE TOWN: R. W. Galvin, Town Counsel
John C. Chessia, Chessia Consulting Services
FOR THE APPLICANT: Warren F. Baker – B, B, & B
Kimberly K. Kroha – B, B, & B
Susan B. Spratt, P.E.; McKenzie Engineering
Brian Murphy, Unicorn Realty
TOWN HALL MONITOR: Not required; no appointments made in advance

This was the eighteenth meeting of the Board of Appeals held remotely due to the COVID-19 pandemic under Governor Baker's declaration of a public health emergency and related Emergency Executive Order, dated March 12, 2020. The Board plans to continue to utilize technological capabilities of the Zoom platform for the foreseeable future or until the current public health emergency is resolved. As no appointments were made for Town Hall attendance, the meeting was held via Zoom only.

CALL TO ORDER: The business meeting was called to order at approximately 7:01 P.M. Although the meeting was posted for 6:45 P.M., the meeting did not open until 7:00 P.M. as there was a conflict in the times shown on the agenda.

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

MINUTES: Upon a motion duly made and seconded, members present were individually polled and **VOTED** unanimously to approve the business meeting minutes of 3/10/21, with reading of the minutes waived.

INVOICES: Upon a motion duly made and seconded, members present were individually polled and **VOTED** unanimously to approve The Mariner invoice # CN13940399 in the amount of \$72.16 for readvertising of the 44 Gerard Road application.

DISCUSSION on Simon Hill 40B: The Board continued discussion on the Notice of Project Change letter, dated January 20, 2021, from Warren F. Baker, Attorney, his subsequent letter, dated March 8, 2021, and letter dated, March 11, 2021, from his associate attorney, Kimberly K. Kroha. Included in the discussion were the following plan sets:

1. Plan set consisting of seventeen (17) drawings, entitled "Simon Hill Village/ Notice of Project Change/ (Map 13C, Block 37, Lot 6)/ Comprehensive Permit Plans/ in / Norwell, Massachusetts, as prepared by McKenzie Engineering Group, dated October 29, 2012, with revisions through September 23, 2019, signed and sealed by Bradley C. McKenzie, R.P.E., as listed below:

DWG C-1	Cover Sheet
DWG C-2	General Notes, Legend, & Abbreviations
DWG EC-1	Existing Conditions Plan
DWG EC-2	Existing Conditions Plan
DWG C-3	Site Layout Plan
DWG C-4	Utility Plan
DWG C-5	Grading and Drainage Plan
DWG C-6	Roadway Profiles
DWG LS-1	Landscaping Plan
DWG D-1	Construction Details Sheet 1 of 9
DWG D-2	Construction Details Sheet 2 of 9
DWG D-3	Construction Details Sheet 3 of 9
DWG D-4	Construction Details Sheet 4 of 9
DWG D-5	Construction Details Sheet 5 of 9
DWG D-6	Construction Details Sheet 6 of 9
DWG D-7	Construction Details Sheet 7 of 9
DWG D-8	Cultec, Inc. Subsurface Stormwater Mgmt. Systems Details

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2. Building Sight Line Plans, entitled "Comprehensive Permit Plans/ known as/ Simon Hill Village/ (Assessors Map 13C, Block 37, Lot 6)/ Off Prospect Street/ Norwell, Massachusetts", as prepared by McKenzie Engineering Group, dated March 8, 2021, not signed or sealed, consisting of the following three drawings:

DWG B-1	Building Sight Lines A-A
DWG B-2	Building Sight Lines B-B
DWG B-3	Building Sight Lines C-C

Paul McGloin of 58 Prospect Street asked at the beginning of the meeting whether his comments relating to screening at the entrance had been received by the Applicant, which Mr. Baker indicated it had not. The Board will follow up to ensure that letter has been conveyed.

Member Barbour made the following motion that was seconded by Member Dean with discussion then opened by Chair Rivkind:

I move that the Board of Appeals approve the proposed changes shown on the Notice of Project Change Plan dated October 29, 2012, with amendments through September 23, 2019 as further revised on the 81-foot Option Plan, dated March 8, 2021, as changes that are not substantial; however, the Board expressly makes no finding that the proposed changes on the amended plans comply with the HAC Decision dated October 13, 2011 (Pages 29-30) and the Amended Comprehensive Permit Decision dated October 21, 2013, specifically for General Conditions 17 and 18 and Waivers only Partially Granted under the Local Wetlands Bylaws.

At approximately 7:11 PM, Member Barbour requested a recess of five minutes to consult with the Board's counsel outside of the meeting. Therefore, upon a motion duly made and seconded,

members were individually polled and **VOTED** unanimously to recess for five minutes and to return to the meeting following. Attorney Galvin and Member Barbour returned to the meeting at approximately 7:16 PM with further discussion continuing.

Attorney Galvin advised members that certain changes were in order for the Board to approve due to previously litigated approvals, including the recent Superseding Order of Conditions. After further explanation, questioning, and discussion, upon a motion duly made and seconded, Members Rivkind, Dean, and Barbour were individually polled and **VOTED** unanimously to table the earlier motion and substitute a revised motion.

Accordingly, Member Barbour made the following new motion that was seconded by Member Dean with discussion then opened by Chair Rivkind:

I move to approve the proposed changes shown on the Notice of Project Change Plan dated October 29, 2012, with amendments through September 23, 2019, as further revised on the 81-foot Option Plan, dated March 8, 2021, including the retaining wall changes along Road A and Road C—as shown on the March 8, 2021 81-foot Option Plan—as changes that are not substantial; however, the Board expressly makes no finding that the proposed changes on the amended plans comply with the HAC Decision dated October 13, 2011, (Pages 29-30) and the Amended Comprehensive Permit Decision dated October 21, 2013, specifically for General Conditions 17 and 18 and Waivers only Partially Granted under the Local Wetlands Bylaws.

In response to a question posed at the last meeting on March 10, 2021, the project engineer Susan Spratt conveyed that the impervious surface as shown on previously approved plans is 176,564 sq. ft. The current 81-foot Option Plans show 181,865 sq. ft. or a change of approximately 5,000 sq. ft. that is a 2.5% increase. After hearing no further requests to comment, the vote was called.

Therefore, Members Rivkind, Dean, and Barbour were individually polled and **VOTED** unanimously to approve the proposed changes shown on the Notice of Project Change Plan dated October 29, 2012, with amendments through September 23, 2019, as further revised on the 81-foot Option Plan, dated March 8, 2021, including the retaining wall changes along Road A and Road C—as shown on the March 8, 2021 81-foot Option Plan—as changes that are not substantial; however, the Board expressly makes no finding that the proposed changes on the amended plans comply with the HAC Decision dated October 13, 2011, (Pages 29-30) and the Amended Comprehensive Permit Decision dated October 21, 2013, specifically for General Conditions 17 and 18 and Waivers only Partially Granted under the Local Wetlands Bylaws.

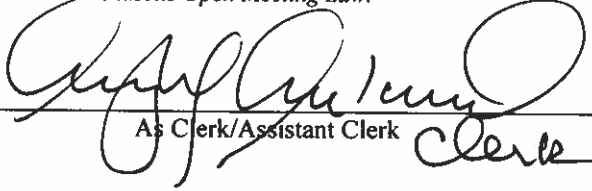
ADJOURNMENT: Upon a motion duly made and seconded, members present were individually polled and **VOTED** unanimously to adjourn the business meeting at approximately 7:50 P.M.

PUBLIC HEARING:

Upon a motion duly made and seconded, Members Brown, Senteno, and Dean were individually polled and **VOTED** unanimously to approve the application for a Section 6 Finding and Special Permit on property located at **33 Leigh Road**. Attorney Walter Sullivan for the Applicant will draft a decision to submit for the Board's consideration by Monday of the week following the public hearing.

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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 4/7/21 in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed:  Date: 4/7/21
As Clerk/Assistant Clerk Clerk

Next scheduled meeting: April 7, 2021

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