

Town of Norwell
BOARD OF APPEALS
Business Meeting Minutes
October 19, 2022

TOWN OF NORWELL
TOWN CLERK
2022 NOV 16 PM 1:25
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MEETING DATE: Wednesday, October 19, 2022
TIME SCHEDULED: 7:00 P.M.
LOCATION: Osborn Room
MEMBERS PRESENT: Lois S. Barbour, Chair
Philip Y. Brown, Vice Chair
Ralph J. Rivkind, Clerk
Daniel M. Senteno
Stephen H. Lynch
MEMBERS ABSENT: William J. Lazzaro
Joseph E. LaFleur

On behalf of the ZBA: John C. Chessia, P.E. of Chessia Consulting Services

On behalf of Tiffany Hill, LLC: Muhammad Itani, President of Stonebridge Homes, Inc.
Thomas Filipek, Attorney representing the Applicant
Daniel M. Greenberg, Site Manager, Stonebridge Homes
Jim Pavlik, P.E., Principal of Outback Engineering

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: No minutes were presented for approval.

INVOICES: Upon a motion duly made and seconded, members present **VOTED** unanimously to approve Chessia Consulting invoice #3024, dated 10/4/22, in the amount of \$211.50, for the 15 High Street 40B project. Upon a motion duly made and seconded, members present **VOTED** unanimously to approve Chessia Consulting invoice #3018, dated 10/4/22, in the amount of \$1,359.00, for the 111-119 Washington Street project. Upon a motion duly made and seconded, members present **VOTED** unanimously to approve Chessia Consulting invoice #3030, dated 10/4/22, in the amount of \$625.50, for the 341 Washington Street project. Upon a motion duly made and seconded, members present **VOTED** unanimously to approve Chessia Consulting invoice #3018, dated 10/4/22, in the amount of \$540.00, for 136 Longwater Drive. Upon a motion duly made and seconded, members present **VOTED** unanimously to approve W.B. Mason invoice #233210726/S128602502 in the amount of \$49.17 for ZBA office expenses.

DISCUSSION ON TIFFANY HILL 40B:

Member Barbour noted that an email dated 10/11/22 had been received from Daniel Greenberg that included an explanation of items relating to the so-called List of 20; updated Site As-Built plan; request for release of the cash bond held by the Town; and whether the Board needed to receive a formal request for changes to the approved plan and permit relating to exclusive use

areas. Also noted was cutting of trees beyond the limit of work. Mr. Greenberg stated a 35-page report had been submitted to the Zoning Office with photos relating to open items.

Mr. Chessia indicated the so-called As-Built plan, filed a while ago included changes not approved by the Board. Further, a paper copy of the recently revised plan has not yet been submitted to the Board.

Another meeting will be needed on 11/2/22, as additional information must be provided by the Applicant. The Board is still awaiting modification requests for any changes as also listed in several of Mr. Chessia's reports. The question about "exclusive use areas" (EUA) is still an open item.

Based on a recent conversation prior to this meeting with Town Counsel Galvin, Member Barbour stated the Board cannot be the intermediary between the COA and the Developer.

Any deviations from the approved plan under the Comprehensive Permit need to be addressed, including the limit of work that has been exceeded. At the 9/27/21 meeting, Mr. Itani stated he had approved changes some homeowners had requested. However, such changes have not been addressed satisfactorily at this time and still require approval as modifications to the Comprehensive Permit that must be requested by the developer. Mr. Greenberg wants to meet with homeowners to ensure everyone is happy. Any correspondence from individual owners should be shared with both Stonebridge and the COA.

Mr. Chessia believes a previously submitted plan shows the approved and exceeded limit of clearing but may not be up-to-date. It should show patios and decks and any other changes. Mr. Chessia will perform site inspection for the previously agreed upon List of 20. Project Attorney Filipek indicated that Section 7.8 details the EUA requirements that were included in his 8/4/22 letter sent to Board. Mr. Chessia's concern relates to any activities altering drainage, coverage, or other action that could impact design. Attorney Filipek noted that any activity remains subject to the Comprehensive Permit requirements.

Allan Apjohn of the Tiffany Hill Board of Trustees says no one from Stonebridge has met with HOA. He complained that Stonebridge claimed other concerns are "beyond the warrantee period". However, the COA believes they have been delayed multiple times and that problems relating to water, grading, and irrigation remain outstanding. The COA has been chasing these outstanding issues for more than a year. Mr. Greenberg stated he had a conversation shortly after last meeting with an HOA board member. However, Mr. Apjohn stated repeated emails to Stonebridge have remained unanswered. As a member of the COA, Mr. Apjohn wants resolution to homeowner concerns.

Member Barbour stated there appears to be agreement that a meeting between Stonebridge and HOA will occur prior to the scheduled 11/2/22 next meeting with the Board.


Mitchell Boothman of 6 Hillcrest Circle feels the realtors were misleading about homeownership when in reality Tiffany Hill is a condominium.

Chair Barbour noted open items on Damon Farm and 15 High Street have been followed up by the Board's administrative assistant. The sidewalk easement for 15 High Street is awaiting execution by the Town.

ADJOURNMENT: Upon a motion duly made and seconded with all business items discussed, members present **VOTED** unanimously to adjourn the business meeting at approximately 7:38 P.M. in order to conduct the public hearing scheduled at 7:30 P.M.

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JONATHAN NORWELL

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 11/15/22 in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.

Signed:  Date: 11/15/22
As Clerk

Next scheduled meeting: November 2, 2022

VOTE on Public Hearing – 10/19/22

Upon a motion duly made and seconded, Members Brown, Rivkind, and Senteno **VOTED** unanimously to approve the **Section 6 Finding/Special Permit** application on property located at **77 Washington Park Drive**. Member Brown will write the decision.

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