



OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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Members

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David Lee Turner, Clerk

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Thomas P. Harrison
Ralph J. Rivkind

FINDINGS AND DECISION

of

The Norwell Board Of Appeals

File No. 15-14

A Public Hearing was held on February 10, 2016, by the Norwell Zoning Board of Appeals (the Board), under M.G.L. Ch. 40A, Section 9, at the Norwell Town Offices, 345 Main Street, Norwell, MA, on the Application (the "Application") of:

**Kearsarge Norwell, LLC
480 Pleasant Street, Suite B110
Watertown, MA 02472**

For **Site Plan Review** and approval under Sections 1500 and 4550 (Solar Photovoltaic Overlay District) to install a solar energy generation facility parking canopy at **600 Longwater Drive**, which will involve the installation of three rows of solar carport canopies over existing rows of parking spaces in the center of the parking lot. Property is owned by Jumbo Capital Norwell Partner, LLC, and is located in the Solar Photovoltaic Overlay District and the C-2 Zoning District. This property is shown on Assessor's Map 17B, Block 18, Lot 60, Registry of Deeds Book 39949, Page 130.

The Application and plans were reviewed by the Planning Board and Conservation Commission as well as distributed to all other interested and requisite boards, committees and offices for their review and comment.

Michael S. Lotti, LSP, Project Manager, of Innovative Engineering Solutions, Inc., presented the Application to the Board and provided testimony about the revised Application and exhibits. Andrew Bernstein who was in attendance, provided additional testimony and evidence to the Board in support of the revised Application.

No member of the public was present to support or oppose this application.

FILE DOCUMENTATION (includes without limitation): The following documents, plans and reports were received into evidence and marked as Exhibits, in accordance with the numbering below:

1. Copy of the legal notice
2. Abutters List
3. Assessor's card for 600 Longwater Drive, Norwell.
4. Original Application for Site Plan Review, consisting of the following:
 - a. Letter to Norwell Board of Appeals from Michael S. Lotti, LSP, Project Manager, of Innovative Engineering Solutions, Inc., dated December 14, 2015 and received by the Board of Appeals December 15, 2015 Said letter included items "b" through "g" below.
 - b. Original Application for Public Hearing requesting Site Plan Review, signed by the Applicant dated December 9, 2015, date stamped by the Board of Appeals on December 15, 2015.
 - c. 1 D-Size set and 8 11X17 copies of the permitting plan set, entitled "Norwell Parking Canopy/ Permit Drawings/ Norwell, Massachusetts", dated December 14, 2015, as prepared by Innovative Engineering Solutions, Inc. of 25 Spring Street, Walpole, MA, for the Board of Appeals, digitally signed and sealed by Joseph E. Higgins, Registered Professional Engineer, on 12/14/15, consisting of six (6) sheets, as follows:

Cover	Table of Contents (unsigned)
Drawing C-1	Existing Conditions (unsigned)
Drawing C-2	Overall Site Plan
Drawing C-3	Landscape Relocation Plan
Drawing C-4	Solar Canopy Details
Drawing C-5	Construction Details
 - d. 3 D-Size set and 5 11X17 copies of the permitting plan set for the Planning Board.
 - e. Draft Operation and Maintenance Manual, one each for the Board of Appeals and the Planning Board.
 - f. Interconnection Services Agreement with National Grid, one each for the Board of Appeals and the Planning Board.
 - g. Decommissioning Plan and Cost Letter, one each for the Board of Appeals and the Planning Board.
5. Letter from the Norwell Planning Board to the Board of Appeals dated January 27, 2016, and received by the Board of Appeals February 1, 2016, a copy of which is attached.
6. Conservation Commission Review for the Zoning Board of Appeals purposes.

FINDINGS OF THE BOARD: Based upon the evidence received, including the Exhibits, Plans marked by the Board for identification, and the review by the Norwell Planning Board (Exhibit 5), the Board finds:

1. The Property (the Property) is known and numbered as 600 Longwater Drive and is shown on the Assessors' Map as 17B, Block 18, Lot 60 in Business District C-2, containing 5.6 acres according to the Assessors' card.
2. The Property is entirely within the Business C-2 Zone. The Property presently contains an office building with parking areas for the use of the tenants and guests on the property.
3. The property is located in the Solar Photovoltaic Overlay District.
4. **Norwell Planning Board Recommendations:** The following are the specific recommendations voted by the Norwell Planning Board on January 13, 2016 (Exhibit 5), to which no objection was

raised in public hearing before the Board of Appeals, subsequently adopted by the Board, and specifically included as conditions to be met or observed by the Applicant, unless otherwise noted or waived by this opinion:

- a. The plans shall include fencing and vegetative screening around the equipment pad.
 - b. The plans shall include a table of Business District C zoning dimensional requirements and indicate conformance with these requirements. PE certification to be provided.
 - c. The plans shall include a landscaping plan for the larger vegetated parking islands at the end of the parking rows where trees are located. The islands along the center of the canopies shall be designed to prevent erosion from the concentrated runoff in these areas.
 - d. A photogrammetric plan shall be provided. Lighting shall meet Dark Sky standards and not increase the amount of light reaching abutting properties.
 - e. The plans shall be tied into Mass Grid system and the required certification to Land Court Standards shall be provided.
 - f. The existing conditions plan shall be stamped by a professional engineer.
 - g. The owner, developer and contractor shall be identified on the plans with addresses and contact information.
 - h. There shall be a ten-foot no build area around any fire hydrants (See revised C2)
5. The applicant shall provide written documentation that the owner of the property is aware of and will allow the project to proceed.
 6. **Prior to Building Permits:** The applicant shall work with the property owner to develop an Operation and Maintenance Plan (O & M) for the site. This plan shall identify BMP locations, snow storage areas, location for landscape debris or disposal, and manufacturers documents for operation of their specific products, if applicable. The O & M shall require that catch basins be inspected quarterly per DEP guidelines.
 7. **Prior to Building Permits:** An erosion control plan shall be provided that addresses site access, storage of materials and protection of existing drainage structures during construction.
 8. **Prior to Building Permits:** Proof of Liability Insurance shall be provided.
 9. **Prior to Building Permits:** The Norwell Board of Selectmen shall approve the PILOT agreement with the applicant.
 10. **Prior to Building Permits:** The applicant shall provide surety in the form of an escrow account or bond in the amount of \$40,000 to cover the cost of removal of the installation and remediate the landscape. The surety will not have a termination date.
 11. **Prior to a Certificate of Occupancy:** Catch basins shall be cleaned and fitted with gas traps, if not currently equipped.
 12. The parking lot shall remain operational during construction.

DECISION OF THE BOARD: On February 10, 2016, based upon representations by the Applicant as delineated in the Findings of the Board above, the written recommendations of the Norwell Planning Board, dated January 27, 2016, and other evidence received into the public record and presented during the public hearing, upon a motion duly made and seconded, the Board **VOTED** unanimously to grant **Site Plan Approval** (Section 1500 and 1510), for installation of a solar carport on an existing parking lot for professional offices (the "Project"), located at **600 Longwater Drive**.

SPECIAL CONDITIONS:

1. The Property shall be developed in accordance with the Plans, File Exhibit 4, to be endorsed by the Board for identification and subsequent revisions reviewed and approved by the Town's consulting engineer: The details and requirements in these Plans as finally revised, shall be observed and implemented; the Inspector of Buildings shall issue no Certificate of Occupancy until such compliance is completed.

Note: A copy of the complete set of the Plans endorsed by the Board for identification purposes, shall be filed with the Town Clerk with this Decision or within fifteen (15) days thereafter, as provided in Section 1550 of the Norwell Zoning Bylaw.

2. **Planning Board Recommendations:** The recommendations of the Norwell Planning Board detailed in the Board's Findings in Paragraph 4, Sections a-h inclusive, are incorporated by reference as Special Conditions of this decision, except as otherwise specifically modified in these Special Conditions.
3. **Plan Compliance:** Any deviation from the Plans as endorsed by the Board for identification, shall be subject to review by the Town's Consulting Engineer at the expense of the Applicant and may require at the sole discretion of the Board, a Modification of this Decision.

CONDITIONS APPLYING TO ALL DECISIONS:

1. **RECORDING OF THE DECISION:** A certified copy of this Decision with all documents referenced below shall be filed with the Registrar of Deeds or Recorder of the Land Court, as appropriate. The applicant shall return a copy of the recording fee receipt to the Board of Appeals for its files.
2. **PLAN SET AND DOCUMENTS TO BE RECORDED WITH THIS DECISION:** The Applicant shall file the following mylar® sheets, as endorsed by the Board of Appeals on _____, 2016, and detailed below, with the Registrar of Deeds and/or Recorder of the Land Court, specifically the following drawings from File Documents 4(c), signed and sealed by the professionals who made them:
 - Drawing C-1 Existing Conditions, signed and sealed by a Registered Land Surveyor
 - Drawing C-2 Overall Site Plan, signed and sealed by a Registered Land Surveyor in addition to the Professional Engineer (P.E.)
 - Drawing C-3 Landscape Relocation Plan, signed and sealed by a Registered Landscape Architect
3. **EFFECTIVE DATE OF APPROVAL:** The zoning approvals granted by the Board of Appeals shall take effect only at such time as this Decision, supporting documents as referenced above, and the approved plan set are filed with the Office of the Town Clerk of the Town of Norwell, and recorded with the Registrar of Deeds or Recorder of the Land Court. **NOTE: Evidence of recording of the Board's Decision and documents specified above shall be provided to the Building Inspector, prior to issuance of any building permit.**
4. **LAPSE OF SITE PLAN APPROVAL:** The Applicant shall complete any work described in the site plan approved by the Board of Appeals within one year of the date this Decision is filed with the Office of the Town Clerk or approval granted herein shall lapse.
5. **EXTENSION OF APPROVALS:** The Board of Appeals may grant an extension of such time as it may deem necessary to carry the approved site plan into effect. However, the applicant must file an application for any such extension prior to expiration or a new Site Plan application shall be required. Any such extension shall be certified by the Board of Appeals to the Town Clerk and shall include the date on which any such extension is to lapse.
6. **CONSTRUCTION MONITORING;** This project is subject to the construction monitoring and escrow requirements contained in Article H of the Rules and Regulations of the Board of Appeals, ratified 6/25/14, subject to any modifications as may be adopted from time to time.
7. **CERTIFICATES OF OCCUPANCY:** No certificate of occupancy shall be issued until such time as all conditions of the Board's decision are met.
8. **DESIGN ENGINEER CERTIFICATION:** Prior to the issuance of any occupancy permit, the Applicant's registered professional engineer, landscape architect, and such other professionals that prepared the approved plans, shall certify to the Board or its agent that the location and elevation of all underground utilities, including drainage, water and sewer, and landscaping plan substantially conform to the plans approved by the Board of Appeals and reviewed by its consulting engineer.
9. **PEER REVIEW:** Further, the project design shall be checked against the filed *As Built* plans and reviewed by the Town's consulting engineer at the sole expense of the Applicant for

compliance with the project plans as approved by the Board of Appeals and detailed in this decision or any modifications thereto, prior to issuance of any Certificate of Occupancy.

- 10 ***AS-BUILT PLANS: Prior to issuance of a Certificate of Occupancy***, the property owner or Applicant shall provide *As-built* plans, signed and stamped by a registered professional engineer, landscape architect, and/or professional land surveyor, as appropriate, in accordance with Section 1560 of the Norwell Zoning Bylaw. These plans shall show:
- a. Pavement locations, building locations, lot lines, driveway locations, all utilities above and below ground such as water, gas, electric, septic, telecommunication, utility poles, manholes with rim elevations and inverts, catch basin rims and inverts, other drainage with pipe size and invert.
 - b. All utility easements; ties from building foundations to utility services.
 - c. Final site grading including all drainage structures and lot grading to demonstrate conformance to the approved drainage design, with a certification as to final grading that is.

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Lois S. Barbour

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Ralph J. Rivkind

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Thomas P. Harrison

Date Filed with Office of the Town Clerk

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Date Stamp of Town Clerk

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TOWN OF NORWELL
TOWN CLERK

NOTICE OF APPELLATE RIGHTS: Any decision of the Board of Appeals may be appealed pursuant to Massachusetts General Laws, Chapter 40A, Section 17, to the Land Court or Superior Court Department within twenty (20) days after filing of the written decision with the Town Clerk. Any construction or pre-construction activity is undertaken at the applicant's risk during the appeal period.