

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

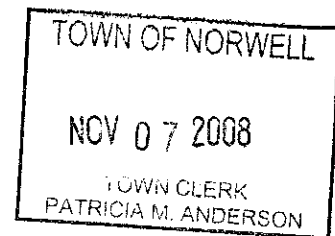
P.O. BOX 295
NORWELL, MASSACHUSETTS 02061
(781) 659-8018 • Fax (781) 659-1892

DECISION of the BOARD of APPEALS

Comprehensive Permit Application,
pursuant to G.L. c. 40B, §§ 21-23,

Damon Farm LLC

ZBA FILE NO. 05-09



PROCEDURE

I. THE PROPERTY:

- a. As presented by Damon Farm LLC (the Applicant), the Norwell property (Norwell Development) is located on two parcels of land in Norwell with an access easement to the property from Route 53, known as Washington Street. The parcels are shown on Norwell Assessors' Map 12, Block 2, Lot 3 (10,968± s.f.) and Map 12, Block 1, Lot 4 (8.5± acres or 357,832± s.f.), Plymouth Registry of Deeds Book 19830, Page 63-65 in Business District B. Access Easement Agreement granted by Goldberg Enterprises, LLC, dated 31 May 2005, to benefit entirety of land owned by Tigger Realty Trust and Damon Farm, LLC, as recorded at the Plymouth Registry of Deeds, Book 29116, Page 41), per 6/1/2005 letter from Jeffery A. Tocchio to Robert E. Galvin, Esq.
- B. As presented by the Applicant, the Hingham property (Hingham Development) is located on land in Hingham abutting the Norwell Town Line and adjacent to the Norwell Development.
- C. As presented by the Applicant, the Norwell Development and the Hingham Development project sites (Total Project) total 10.86± acres.

II. THE TOTAL PROJECT: The Applicant proposes a total of thirty-two townhouse-style residential condominium units on the Property of which eight (8) shall be Affordable. The Norwell Development represents twenty-four of (24) units of which six (6) shall be Affordable. The Hingham Development consists of eight (8) units, of which two (2) shall be Affordable, are to be constructed on abutting land located in Hingham, Massachusetts, pursuant to a separate application and Comprehensive Permit granted to the Applicant by the Hingham Zoning Board of Appeals, on May 19, 2008, and recorded at the Plymouth Registry of Deeds, Book 36063, Page 168.

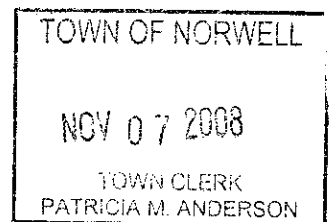
III. **PROJECT ACCESS:** The Norwell Development is accessed from Washington Street over a forty-foot right of way easement land owned by Goldberg Enterprises LLC. The parties have entered into an agreement whereby an executed easement is being held in escrow pending issuance of the instant permit. Access from the west is provided along a twenty-foot wide bituminous concrete drive which leads to Main Street in Hingham. Such access provides a continuous travel-way extension from Route 228 (Main Street) to Route 53 (Washington Street). If there is any change in the project access described in this decision, the Applicant shall notify the Board immediately. Such change may be subject to review by the Board's peer review engineer and require modification of this decision within a public hearing at the Board's sole discretion.

IV. **APPLICATION:**

On or about January 20, 2005, the Applicant, filed a Comprehensive Permit Application, pursuant to M.G.L. c. 40B, sections 21-23, (Act), to construct thirty-two (32) townhouse-style condominium units on the Property of which eight (8) shall be Affordable. The Norwell Development represents twenty-four (24) units of which six (6) shall be Affordable.

V. **LATEST PROJECT PLAN REVISIONS:**

- A. **Plan of Land**, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, dated November 1, 2004, revised November 4, 2008, consisting of 12 sheets, and signed and stamped by James W. Burke, P.E. and Lawrence W. DeCelle, Jr., P.L.S. (the "Revised Final Plans")
- B. **Plan Set (Rev. 16, dated 11/04/08)**, consisting of 13 sheets, entitled *Proposed Residential Development/ Damon Farm/at Queen Anne Corner*, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, stamped and signed by Lawrence W. DeCelle, P.L.S, and James W. Burke, P.E., including the following:
 - 1. Cover Sheet with Index of Sheets and Locus Plan (Scale 1"=2,000') and Key Map (Scale 1"=200')
 - 2. Existing Conditions, Scale 1"=50'
 - 3. Layout Plan, Scale 1"=40'
 - 4. Layout Plan, Scale 1"=40'
 - 5. Grading & Drainage, Scale 1"=40'
 - 6. Grading & Drainage, Scale 1"=40'
 - 7. Plan & Profile, Scale 1"=40'
 - 8. Plan & Profile, Scale 1"=40'
 - 9. Details
 - 10. Details
 - 11. Details
 - 12. Details
 - 13. Details
- C. **Existing Watershed Plan Sheet**, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, received by the Board of Appeals on 9/28/08. Not signed or stamped, as required.
- D. **Proposed Watershed Plan Sheet**, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, received by the Board of Appeals on 9/28/08. Not signed or stamped, as required.



E. **Landscape Plans**, prepared by EcoTerra Design & Consulting, LLC, 26 Hill Street, Medway MA, dated 3/12/07, rev. 4/13/08, date-stamped by the Board of Appeals on 5/14/08.

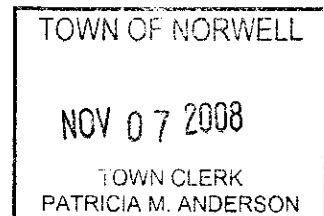
Sheet 1: Site Landscape Plan A
Site Landscape Plan B
Site Landscape Plan C

VI. Technical Review Consultants: The Board retained the following consultants to assist in its review of this application:

Engineers: John C. Chessia, P.E., CEO
Chessia Consulting Services, LLC
P.O. Box 724
Norwell, MA 02061

Mainstream Engineering, Inc.
40 Foxworth Lane
P.O. Box 400
Kingston, MA 02364

Traffic Engineer: John G. Morgan Jr., P.E.
Coler & Colantonio, Inc.
101 Accord Park Drive
Norwell, MA 02061



VII. Town Boards and Departments: The Board notified all local boards and commissions of this application and considered their comments when making its decision. Comments were received from the Board of Health, Fire Chief, Conservation Commission, Planning Board, Commission on Disabilities, Building Inspector, and the Water Superintendent and the Norwell Housing Authority.

VIII. File Inventory: Various plans, reports, and correspondence, including but not limited to those listed in **Exhibit A**, attached to and made a part of this decision, were submitted during the course of the public hearings and made a part of the official record.

IX. Public Hearings:

A. All Public Hearings, Site Visits and Work Sessions were duly noticed and held on the following dates, as indicated:

Scheduled Meetings

02/16/05 – Hearing (continued)	01/16/06 – Hearing
03/09/05 - Hearing	02/15/06 – Hearing
05/22/05 – Hearing (continued)	04/05/06 – Hearing (continued)
08/10/05 – Hearing	05/17/06 – Hearing (continued)
09/14/05 –Letter requesting continuance	06/07/06 – Hearing
10/20/05 –Letter requesting continuance	08/16/06 – Hearing (continued)
11/16/05 – Hearing (continued)	09/13/06 – Hearing (continued)
	10/11/06 – Hearing

01/10/07 – Hearing (continued)
05/30/07 – Hearing
09/19/07 – Hearing (continued)
11/07/07 – Hearing (continued)
12/05/07 – Hearing (continued)

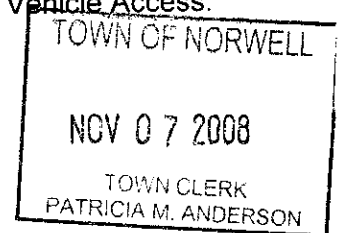
01/09/08 – Hearing (continued)
01/16/08 – Hearing (continued)
03/05/08 – Hearing (continued)
05/07/08 – Hearing

06/04/08 – Hearing (continued)
06/11/08 – Hearing (continued)
06/30/08 – Hearing (continued)
07/28/08 – Hearing (continued)
09/03/08 – Hearing
09/17/08 – Hearing
10/15/08 – Hearing
10/29/08 – Hearing
11/05/08 – Hearing (closed)

B. The Board voted to close the public hearing on November 5, 2008.

X. The Findings and Decision of the Norwell Board of Appeals (“Board”) contained herein relate to the Norwell Development. The Norwell Board of Appeals claims no jurisdiction over the Hingham Development, except those portions that may bear upon the health, safety, and welfare of residents of Norwell and occupants of the proposed project, including systems relating to Stormwater and Wastewater Management, and Fire and Emergency Vehicle Access.

FINDINGS OF FACT



I. **JURISDICTION:** Based upon the information presented at and during the course of the public hearings and incorporated as part of the official record, the Board makes the following findings:

- A. **Limited Dividend Organization:** The Applicant is or will become a "limited dividend organization" within the meaning of the Act in that it is willing to enter into a written regulatory agreement with MassHousing under the Housing Starts Program and/or the New England Fund Program of the Federal Home Loan Bank of Boston ("Bank") and the Town of Norwell ("Town").
- B. **Fundability:** The Total Project is "fundable" in accordance with the Eligibility Letter issued and extended by MassHousing. As evidence, the Applicant provided a copy of the Project Eligibility Approval, PE-209, issued by the Massachusetts Housing Finance Agency on May 24, 2004, (the "Eligibility Approval"). On May 17, 2006, the Eligibility Approval was extended through May 17, 2007. On March 2, 2007, the Eligibility Approval was extended through May 17, 2008, and on March 24, 2008, another extension was granted through May 16, 2009.
- C. **Site Control and Access Easement:** The Applicant claims control of the site pursuant to a deed recorded with the Plymouth Registry of Deeds Book 19830, Page 63-65, from Queen Anne's Corner, LLC to Nicholas V. Trifone, III, Trustee of Tigger Realty Trust. Damon Farm LLC is the sole beneficiary of the Tigger Realty Trust. Access Easement Agreement granted by Goldberg Enterprises, LLC, dated 31 May 2005, to benefit entirety of land owned by Tigger Realty Trust and Damon Farm, LLC, as recorded at the Plymouth Registry of Deeds, Book 29116, Page 41), per 6/1/2005 letter from Jeffery A. Tocchio to Robert E. Galvin, Esq.

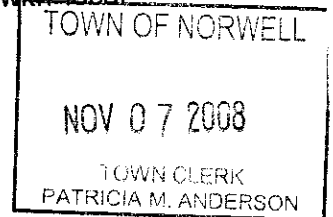
II. STATUTORY MINIMA:

- A. Based on the most recent Subsidized Housing Inventory maintained by the Department of Housing and Community Development, the Town does not have more than 10% of its available housing units dedicated to low and moderate-income households, as defined by the Act.
- B. The Applicant has represented that:
 - 1. The sites used for the Town's affordable housing do not comprise more than one and one-half percent of the total land area zoned for residential, commercial or industrial land use, and
 - 2. The construction of the Norwell Development would not result in the commencement of construction of low and moderate income housing on sites comprising more than .3% of the Town's land or ten acres, whichever is larger, in any one calendar year.

III. LOCAL CONDITIONS, PUBLIC HEALTH AND PUBLIC SAFETY:

The Act allows communities to protect local health and safety concerns by conditioning the issuance of a comprehensive permit. The conditions must be reasonable, considering the need to provide affordable housing juxtaposed against the legitimate health, safety, and environmental concerns of the community. The Board finds that the proposed project, as restricted by the conditions listed below, is consistent with local needs.

VOTE OF THE BOARD



A quorum of the Board of Appeals (Board), consisting of Lois S. Barbour, Ralph J. Rivkind, and David Lee Turner, being all of the members of the Board of Appeals designated to hear and act upon this application, **VOTED** at a public hearing duly held on November 5, 2008, upon a motion made and seconded, to **GRANT** the application for a **COMPREHENSIVE PERMIT**, subject to and upon the Conditions set forth herein.

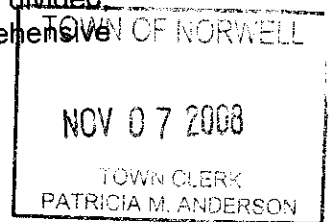
CONDITIONS

- 1. The Norwell Development shall be constructed in accordance with the Plans referenced and defined in Paragraph V, Project Plan, of *Procedure*, and as limited by the Conditions of this Decision. Any deviation from these Plans and the Conditions set forth in this Decision shall require a modification of this Comprehensive Permit, as set forth in 760 CMR 31.03 and applicable revisions thereto, and the Board's *Rules*, as may be amended from time to time.

Density

- 2. The Norwell Development shall include no more than twenty-four (24) units of which six (6) shall be "Affordable" as defined below.

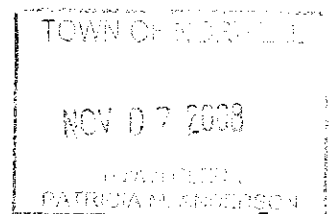
3. As proposed by the Applicant, there shall be a total of not more than forty-eight (48) bedrooms in the Norwell Development, as the term "bedroom" is defined in the State Environmental Code 310 CMR 15.002 or as may be amended. Specifically, (a.) the Master Deed shall restrict each of the condominium units in Norwell to two (2) bedrooms per unit. The individual Deeds for each unit, both affordable and market-rate, shall indicate the bedroom restrictions applicable to each unit. Further, *individual interior Unit As-Built Plans*, stamped by a Registered Architect and/or Land Surveyor, shall identify room usage within the unit and shall be recorded with the first Deed.
4. A prerequisite to the creation of any additional bedrooms, in addition to those constructed by the Applicant under this Comprehensive Permit, is:
 - a. Condominium Association approval at a duly noticed meeting of all unit owners by at least a majority vote, attested to under penalties of perjury by the officers of that association, and then
 - b. Such approvals as may be required by the Board of Appeals at its sole discretion under a modification of this Comprehensive Permit. Any application for modification shall be subject to engineering review by the Board at its sole discretion at the expense of the applicant.
5. Each unit shall have an attached garage with space for no less than one vehicle and one (1) outdoor paved surface parking space adjacent to the garage.
6. The Norwell Development Property shall not be further developed, divided, subdivided, or modified, other than as expressly allowed by this Comprehensive Permit and shall be Deed-restricted to so provide.



Affordable Housing

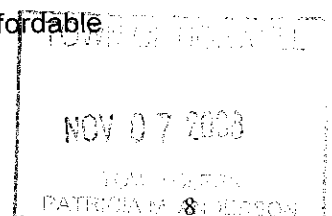
7. The Affordable Units are those dwelling units located in Norwell that shall be made available for purchase and occupancy by households whose aggregate income is no greater than 80% of the area median income (Median Income) as published annually by the Department of Housing and Urban Development for the Boston Primary Metropolitan Statistical Area (Qualified Purchasers).
8. All Affordable Units shall provide living space area approximately equal to the other units, and have an attached garage with space for not less than one vehicle and one (1) outdoor paved surface parking space adjacent to the garage.
9. The Affordable Units shall be interspersed throughout the Norwell Development and the exteriors of the market-rate and Affordable units shall be indistinguishable to a casual observer from the street. As for interior finishes of and appliances in the Affordable Units, the Applicant shall provide outline specifications to the Board for its review and approval.
10. Affordable units shall be identified in the approved Regulatory and Monitoring Agreements and shown on the approved Site Development Plans. No construction permits shall be issued without such identification.
11. The individual residential units shall be no more than 2,200 square feet in size and shall not exceed 34 feet in height.
12. The façades of the market-rate units shall be similar in size and shape to the façades of the Affordable Units. The overarching goal is to ensure that at least the front of all of the homes appears similar to a casual observer from the street.
13. A lottery agent acceptable to the Board shall by means of a lottery select the initial purchasers (all of whom shall be Qualified Purchasers) of the Affordable Units.

14. Prior to conducting the lottery, the Applicant shall submit a proposed lottery plan to the Board for its review and approval.
15. Preference in the lottery for purchase of three (3) of the six (6) Affordable Units shall be given to either
 - a. Norwell residents, or
 - b. the children or parents of Norwell residents, or
 - c. employees of the Town of Norwell.
16. The Applicant shall pay all Lottery and Monitoring Agent costs for the initial sales of the Affordable Units not to exceed 1% of the sales price of each affordable unit.
17. If a lottery winner has a physical disability, the Applicant shall modify the Affordable Unit for that winner to reasonably accommodate the winner's physical disability and to comply with the ADA. The Applicant has the option, but not the obligation, to select or re-designate units as Affordable, so as to assist Applicant in complying with this requirement as a modification of this Comprehensive Permit.
18. Prior to the grant of a building permit, the Applicant shall submit draft Regulatory and Monitoring Agreements to the Board and its counsel for review and approval. Such documents shall contain, at a minimum the following terms:
 - a. No less than twenty-five (25%) percent of the units shall be owned by Qualified Purchasers in perpetuity or for the maximum term allowed by law, but in no case less than 99 years;
 - b. The monitoring agent for the Norwell Development shall be designated by MassHousing. However, if MassHousing shall now or in the future fail to perform such duties and oversight authority it may enjoy for any reason whatsoever, the Board reserves the right to protect the interests of the Town by appointment of the Norwell Housing Authority or other recognized agency to preserve the affordability requirements on behalf of the Town under M.G.L. c. 40B and any modifications thereto.
 - c. The maximum sales price of the Affordable Units (including condominium fees, insurance, and taxes) shall be no more than "that which can be afforded" (as set forth in the MassHousing guidelines) by households earning seventy percent (70%) of Median Income.
 - d. The Applicant's profits shall include all amounts accruing to the benefit of the Applicant, designee, successors, and/or assigns for the Total Project, for any and all construction authorized pursuant to this permit, or subsequent modification thereto, but not be limited to construction activities or related activities by or on behalf of the Applicant or any contractor and/or sub-contractor working on behalf of the Applicant. Such related activities shall include sales, marketing, and other efforts undertaken to promote profits, both real or on paper.
19. The Affordable Units shall be constructed on a schedule that provides for the completion of at least one Affordable Unit for every three market-rate units.
20. Subject to approval by MassHousing, this decision and the Regulatory Agreement shall be senior to all MassHousing mortgage loans. In the event MassHousing approval is not forthcoming, the Regulatory Agreement shall provide for a minimum of a ninety-day right of refusal by the Town, or its designee, in the event of foreclosure.
21. The Affordable Units shall be owner-occupied.



Condominium

22. The Condominium documents shall describe the organization and funding mechanism for a homeowners' association or other organization to be responsible for maintaining on-site access and parking, utilities, and landscaping and for contributing to ongoing maintenance of the Shared Private Wastewater Treatment System and Stormwater Management facilities.
23. The beneficial interest in the condominium of the Affordable Units shall be in proportion to the ratio of the initial price (the price set forth in the Master Deed) of the Affordable Units to the initial price of the market-rate units.
24. The condominium documents shall provide that:
 - a. Fire lanes and parking areas are kept clear at all times;
 - b. The operation and maintenance of the shared wastewater treatment system shall be in accord with the DEP Groundwater Discharge Permit and Title 5 (310 CMR 15.00), where applicable;
 - c. There are inspections of the storm water and wastewater systems conducted in accordance with the Operation and Maintenance plan but no less frequently than twice annually, the first no later than April 30th and the second no later than October 31st each year and a written report shall be filed within fifteen (15) days thereof with the Board with copies to the Board of Health, Conservation Agent, the Stormwater Management Plan supervisor and/or other local agency at interest;
 - d. Exterior building lights shall be designed and installed so as to shine downward only. Lighting shall conform with Dark Sky standards and the Applicant shall provide detail for the proposed lighting fixtures prior to construction.
 - e. No road salt or de-icing chemicals are used for access roadways, driveways, parking areas or sidewalks within the Norwell Development and no chemical fertilizers, herbicides or pesticides are used for plant or lawn maintenance, unless specifically approved in writing by the Board. The Association shall, on an annual basis, certify in writing, to the Board of Health and the Norwell Water Department that the Association and the unit owners are in compliance with this condition.
 - f. A permanent conservation deed restriction shall apply to all delineated wetlands and associated buffer areas, as set forth in the Agreement between Applicant and Norwell Conservation Commission dated May 22, 2008. The Applicant shall prepare a Conservation Restriction in a form suitable for recording and with wording acceptable to Counsel for the Board, which shall be approved and recorded at the cost and expense of the Applicant prior to issuance of the first building permit.
 - g. The Association shall be responsible for the operation and maintenance of all common areas and improvements, landscaping, mowing, watering and irrigation, snow and ice removal, trash collection, the Stormwater Management System, drainage, and the Wastewater Disposal System. Note: No irrigation system or well is allowed to be installed or utilized, as the proposed project is located in the Aquifer Protection District.
 - h. All votes shall be one unit/one vote except where the condominium statute requires percentage interest votes.
 - i. There shall be no amendments to provisions relating to the Affordable Units or the votes afforded to them, without the Board's approval.



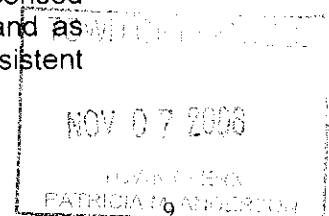
- j. Conditions set forth in this Decision that relate to the condominium governance must be set forth in the documents.
- k. Upon turnover of the Association by the Declarant to the non-Declarant unit owners, at least 25% of the trustees of the Association shall be owners of an Affordable Unit, if the Affordable Unit owners desire to serve as trustees.
- l. The Master Deed shall reference the deed rider and the regulatory agreement.
- m. All Affordable Units shall be owner-occupied.
- n. The Master Deed shall provide that in the event of condemnation or casualty, Affordable Units shall be restored to habitable condition and in compliance with this Decision. Insurance proceeds for the damage to the Affordable Units shall be payable to the Town of Norwell or its designee, which shall ensure that the proceeds are first used for restoration of the Affordable Unit(s).
- o. The Master Deed shall also provide that in the event of condemnation or casualty, any proceeds in excess of the *replacement cost* of the Affordable Unit(s) as set forth in the Deed Rider shall be given the Town or its designee for affordable housing purposes.
- p. The insurance policy of the Condominium Association that provides Fire and other perils for real property shall include the interests of the Town of Norwell, as a "named insured" for all Affordable Units located in Norwell. A certificate of insurance shall be provided by the Condominium Association to the Town of Norwell, prior to the expiration date of any and all such coverage.
- q. There shall be no garbage disposal in the units.
- r. A snow removal plan shall be given by the Association to the snow removal contractor and a copy and any amendments thereto shall also be filed with the Town of Norwell Water Commissioners.

Architectural

- 25. The Affordable Units shall comply with the Architectural Plans submitted and shall include all architectural features described in the Application.
- 26. Performance Standards, including footprints and minimum specifications for Affordable and Market-rate units for the Norwell Development are set forth in **Exhibit B** attached hereto.
- 27. All building fixtures and appliances shall comply with Energy Star requirements and all energy efficiency requirements of the State Building Code.

Site Development Plan Approval

- 28. Prior to any ground disturbance, the Applicant shall provide to the Board for review and approval by its consulting engineer, six (6) complete sets of full-sized Site Development Plans, including contract documents and specifications, (Site Development Plans) for the Total Project, and three (3) complete sets (11 x 17) of reduced copies, as well as an electronic copy on disk in AutoCAD Civil 3D 2008 or other approved format. All plans shall be stamped by a professional, licensed or registered by the Commonwealth of Massachusetts, as appropriate and as required by the Board's *Rules*. Such Site Development Plans shall be consistent

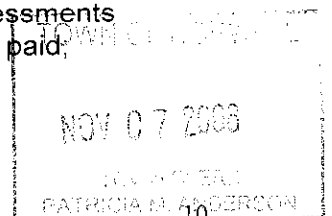


with local requirements not waived elsewhere in this permit, and with State and Federal codes to include, but not be limited to, the following plan sheets: landscaping and planting plans, utility plans, grading and drainage, wastewater and stormwater systems, an existing conditions plan, site layout, detail sheets, and lighting plan.

29. The Site Development Plans submitted by the Applicant for approval by the Board shall be a "conformed" set, prepared to a final design level of detail, incorporating all revisions as identified herein, all revisions, and conditions of approval required by the Board, and all revisions and conditions of approval required by other agencies and parties having jurisdiction, including the Town of Hingham.
30. The Applicant shall provide documentation to the Board of any deeded or prescriptive easement rights that may exist on or for the Property, if any.
31. The Applicant shall provide certification of approval by the Fire Chief as to the number and arrangement of the fire hydrants prior to Site Development Plan approval.
32. The Applicant shall submit relevant copies of the Orders of Conditions from the Norwell and Hingham Conservation Commissions, as a component of the Site Development Plan approval process.
33. Prior to any ground disturbance, a copy of the conformed Site Development Plans shall be provided to the Hingham Board of Appeals.
34. The Applicant shall provide to the Board, a detailed Sedimentation and Erosion control plan showing temporary stilling basins, hay bales/silt fences, a crushed stone-tracking pad at the Norwell Development entrance, stockpile locations, trailer and equipment storage locations and associated measures, as a component of the Site Development Plan approval process.
35. The Applicant shall provide to the Board documentation that demonstrates permission to work on abutting properties in the Site Development Plans. In addition, any building within 20' of the proposed work shall be shown on the plans prior to endorsement.
36. The Applicant shall coordinate the proposed mail delivery design with the Postmaster. If a central location is required, the applicant shall submit such plan to the Board and a minor modification of this permit may be required at the sole discretion of the Board.
37. The plan shall be modified to provide a concrete dumpster pad that pitches to the street and stormwater collection system.

Pre-Construction

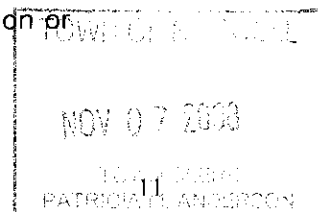
38. No construction activity, including land disturbance, shall proceed until the Applicant applies for and receives a written *Notice to Proceed* from the Board of Appeals. Such written *Notice to Proceed* shall be issued only at such time as all plan and other pre-construction approvals set forth herein are completed to the satisfaction of the Board of Appeals
39. Prior to any ground disturbance or initial site work, the Applicant shall provide to the Board:
 - a. The name, address and business telephone number of the individual responsible for all activities on the Total Project site;
 - b. A copy of a municipal lien certificate indicating that all taxes, assessments and charges due on the Norwell Development parcels have been paid,



- c. Proof that all required federal, state and local licenses and permits have been obtained;
 - d. Certification that the Applicant has fulfilled notification requirements of "Dig Safe", prior to commencement of any on-site work. If work activity on the Total Project site ceases for a period of more than one month, appropriate notification must be given prior to restarting work.
40. At least forty-eight (48) hours prior to any ground disturbance or initial site work, a duly noticed pre-construction meeting, identified as such, shall be held with the developer, the developer's site contractors, a representative of the Board, its consulting engineer, and representatives of those Town departments having an interest in the Total Project. Said meeting shall be for the purpose of familiarization with the Total Project, the conditions of approval, and the Total Project construction sequence and timetable.

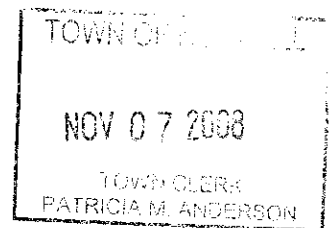
Construction

- 41. There shall be no construction on the Norwell Development before 7:00 AM or after 6:00 PM or dusk, whichever is earlier, from Monday through Friday and before 8:00 AM or after 5:00 PM or dusk, whichever is earlier, on Saturday. There shall be no construction on the Norwell Development on Sundays or the following legal holidays: New Year's Day, President's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, Christmas.
- 42. The Applicant shall keep the Total Project site clean during construction. Upon completion of all work on the Norwell Development site and prior to As-Built plan approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations. The Applicant shall notify the Board in writing of the final disposition of the materials.
- 43. The Applicant shall ensure that all construction activities associated with the Norwell Development be conducted in a workman-like manner. Route 53, known as Washington Street, shall not be blocked or restricted by construction activities or equipment.
- 44. Prior to any earth removal, the Applicant shall demonstrate to the satisfaction of the Board that the Norwell Development is in compliance with all earth removal requirements of the Town of Norwell By-Laws and Rules and Regulations. All stockpiles shall be established in locations consistent with the requirements of the Norwell Conservation Commission.
- 45. Any soil or earthwork material brought to the Norwell Development site or excavated on the Norwell Development site and proposed to be reused for any purpose at the Total Project site shall be subject to approval by the Board's consulting engineer.
- 46. Any blasting operations shall require proper permits and shall not be undertaken on any weekend or holiday.
- 47. The Applicant shall ensure that the construction process conforms in all respects to applicable Federal, State, and local laws, codes, and regulations including, but not limited to, building, plumbing, electrical, and health codes and regulatory limits on noise, vibration, dust, and sedimentation, except as waived herein.
- 48. All erosion control devices on the Total Project shall remain in place and be maintained throughout the project construction cycle until the last Certificate of Occupancy is issued or until such time as all disturbed areas have been stabilized with final vegetative cover or the Norwell Conservation Commission or its designee shall authorize removal, whichever occurs first.



Issuance of Building and Foundation Permits:

49. Prior to issuance of any *Foundation Permit* or *Building Permit* by the Building Inspector of the Town, the Applicant shall furnish copies to the Board of all required Federal, State and local permits (not waived herein), including, but not limited to, a US EPA *NPDES* construction permit, and the required Groundwater Discharge permit from DEP, and Permits from both the Norwell Board of Health and the Hingham Board of Health, if applicable.
50. Prior to issuance of any *Foundation Permit* or *Building Permit* by the Building Inspector of the Town, the main access in Norwell and the project driveway shall be completed to binder base course, and all associated stormdrain and utility improvements and stormwater retention/detention basin(s) shall be constructed and stabilized.
51. Prior to issuance of any *Foundation Permit* or *Building Permit* by the Building Inspector of the Town, the Applicant shall submit and obtain Board approval of a detailed *Construction Phasing and Sequencing Plan* that demonstrates:
 - a. Conformance with applicable laws and regulations regarding noise, vibration, dust, and sedimentation.
 - b. Access to the Project site shall be restricted by appropriate gating and/or fencing during construction.
 - c. Erosion control installations shall be in compliance with Best Management Practices, relative to staking, periodic inspection, maintenance, and repair of sediment and erosion controls, including silt fence, hay bales, and/or other devices.
52. Prior to issuance of any *Foundation Permit* or *Building Permit* by the Building Inspector of the Town, the Applicant shall establish to the satisfaction of the Building Inspector, that the Board or its designee and Legal Counsel have reviewed and approved the:
 - a. Regulatory Agreement and Deed Rider
 - b. Monitoring Services Agreement
 - c. Master Deed
 - d. Condominium Trust
 - e. Performance Guaranty
 - f. Stormwater Operation and Maintenance Plan
 - g. Lottery Plan
 - h. Construction Phasing Plan



Hazardous Materials

53. There shall be no use or storage of hazardous materials other than those types and amounts considered as normal to household use and/or residential construction, or in conjunction with the operation of the private wastewater disposal system as approved.

Underground Fuel Storage Tanks

54. There shall be no underground fuel storage tanks located on the Norwell Development Site.

Roadways

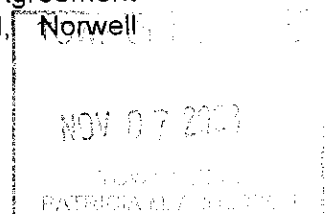
55. Once paved, the access and project site roadways shall be kept clear and passable at all times. Equipment may be parked on an access roadway during construction, provided that such roadways remain passable by emergency response equipment. No refuse containers, trailers or construction materials of any kind shall be placed or stored thereon.
56. The Applicant shall demonstrate that accepted Best Management Practices (BMP) are to be utilized in all phases of construction for the roadway.
57. The Applicant shall provide evidence to the Board that design and construction of access roadways and parking areas shall conform to the Revised Final Plans.
58. Proposed cross walks shall consist of white reflective traffic paint in conformity with the Manual on Uniform Traffic Control Devices (MUTCD) latest edition.
59. Clear sight lines shall be provided at the intersection with Route 53 consistent with the traffic consultant's recommendations. If necessary, applicant shall attempt to obtain easements to maintain these sight lines from abutting property owners

Project Landscaping

60. There shall be a minimum of two bicycle racks provided at locations to be approved by the Zoning Board.
61. The Applicant shall construct project landscaping in accord with the final approved Landscaping Plan. Excepting the area designated for location of the waste water treatment system, and related components, trees over 6-inch caliper within the existing paved edge of the right-of-way along Washington Street shall be located and preserved.
62. All areas to be protected from encroachment by construction activity shall be marked on the ground as shown on the approved Site Development Plans, and all protective barriers shall remain in place and be maintained by the Applicant throughout the construction phase of the Total Project.
63. No irrigation system or well is allowed to be installed or utilized, as the proposed project is located in the Aquifer Protection District.
64. The Applicant shall provide a guarantee for all plant materials extending for one year following the date of submission and approval of the final As-Built Plans.
65. Wherever practicable, existing trees and vegetation shall be preserved. New trees and shrubs native to southeastern Massachusetts shall be installed to provide shade and screening. Additionally, all disturbed areas of the Norwell Development site shall at a minimum, be loamed to a 6-inch depth, and then seeded.

Wetlands

66. A limit-of-work sign shall be placed on the upland side of the erosion control stating "Sensitive Wetlands Protection Area."
67. The Final Order of Conditions from DEP Docket No. WET-2008-016 File No. SE 52-802 dated June 20, 2008 recorded at the Plymouth Registry of Deeds on June 24, 2008 in Book 36106, Pages 293-305 incorporates the Settlement Agreement with Conditions between the Applicant, the Town of Norwell, Norwell Conservation Commission and DEP.



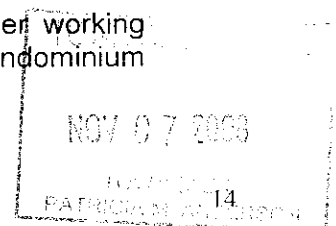
68. Said Final Order of Conditions and Settlement Agreement shall also be incorporated and made part of this Comprehensive Permit.

Wastewater and Septic System

69. The Norwell Development shall be serviced by a private, shared wastewater treatment system to be constructed in accordance with the DEP Groundwater Discharge Permit and Title 5 (310 CMR 15.00), if applicable. The design of the Treatment Plant shall conform to the "Guidelines for the Design, Construction, Operation and Maintenance of Small Wastewater Treatment Facilities with Land Disposal" DEP April 2004 or as more recently amended.
70. The operation and maintenance of the shared wastewater treatment system shall be in accord with the DEP Groundwater Discharge Permit and Title 5 (310 CMR 15.00), where applicable. Note: This requirement shall be included in the Condominium Documents.
71. Prior to issuance of the *Notice to Proceed* by the Board, the Applicant shall submit approved design drawings under the DEP Groundwater Discharge Permit and Title 5 (310 CMR 15.00), if applicable.
72. The Applicant shall provide a copy of the DEP Groundwater Discharge Permit and Hingham Title 5 permit (if applicable) to the Board upon receipt.
73. There shall be no garbage disposals in the dwelling units.

Stormwater Management

74. The Applicant shall demonstrate to the satisfaction of the Board during the approval process for the Site Development Plans by submission of plans and drainage calculations that the Total Project is fully in compliance with the Massachusetts DEP Stormwater Management Policies, generally accepted engineering standards, and Best Management Practices.
75. Wherever soils so permit, a roof water recharge system shall be provided for each building and shown on the approved Site Development Plans. Leaching structures shall be located a minimum of two-feet above groundwater and in areas where sandy soil with an infiltration rate of 3.0 in/hr or less can be documented by soil evaluations witnessed by an agent of the Town.
76. The Applicant shall ensure that inlet protection is provided for the drainage system until all work has been completed and ground cover and erosion control vegetation is established.
77. No construction equipment shall be parked or stored within one hundred feet (100') of any drainage channel, drainage inlet, or wetland area. Maintenance of construction equipment involving transfer of fluids and fuels shall be conducted in areas away from drainage channels and inlets and wetland buffer areas.
78. Earth material stockpiles shall not be allowed immediately adjacent to perimeter siltation barriers or drain inlets. Long-term stockpiles over thirty (30) days shall be shaped, stabilized, and circled by siltation fence or haybales and shall be stabilized by temporary seeding or netting.
79. Excavation dewatering shall be performed in a workman-like manner and such water shall be free of suspended solids before being discharged into either a wetland or any stormwater drainage system. This condition applies to all forms of dewatering including pumping and trenching.
80. All catch basins and detention basins shall be maintained in proper working condition during construction and shall be delivered to the Condominium

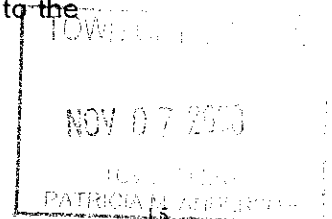


Association (Association) in a fully maintained, working order upon completion of construction. Thereafter, the Applicant or the Association shall be responsible for maintaining the Property's stormwater management system in compliance with all Federal, State, and local requirements and in accordance with best management practices.

81. Water stops shall be placed at fifty-foot (50') intervals in the backfill of all utility trenches along the roadway where necessary to prevent drawdown of groundwater.
82. The Applicant shall implement the *Operations and Maintenance Plan* as set forth in the Revised Final Plans.
83. The Applicant and then the Association shall be responsible for all required up-keep, operation, maintenance, repair, and up-grading of the drainage and stormwater management systems as specified in the approved *Operations and Maintenance Plan*. In the event that the Town determines that either the Applicant or the Association has materially failed in its obligation to maintain the drainage system in accordance with best management practices, the Town shall have the right, upon written notice to the Association, and the Association's failure to remedy the maintenance issue within thirty (30) days' notice thereof, to enter upon the Property to perform the required maintenance. The Association shall reimburse to the Town all costs incurred by the Town in connection with its performance of such required maintenance on the Property within thirty (30) days of the Association's receipt of the Town's invoice for such costs.
84. The Applicant or the Association, as the case may be, shall grant an easement to the Town, approved as to form by the Board's legal counsel, permitting the Town to perform emergency and routine maintenance where the Applicant or Association fails to conform to the maintenance conditions herein and to charge to the responsible party the full cost of such performance by the Town, including legal costs to comply.

Water and Fire Protection

85. All buildings shall be constructed with a residential sprinkler system as may be required pursuant to the Massachusetts State Building Code. In such circumstances, the Applicant shall provide evidence that such systems shall be designed, constructed, and maintained in a manner approved by the Norwell Fire Chief.
86. All fire lanes and emergency parking areas shall be kept clear at all times to ensure access by fire trucks and emergency vehicles. Fire lanes shall be posted as such with signage indicating that any vehicles in such areas shall be towed at the owner's expense.
87. The Norwell Development water distribution system, including on-site facilities and connections to municipal waterlines shall conform in all respects to the standards of the Norwell Water Department.
88. The water system shall be constructed to provide for inter-municipal connection in accordance with the approved Site Development Plans.
89. The Applicant shall perform testing in accordance with the Water Department requirements to ensure the water supply and pressure for the Norwell Development is adequate for fire protection and domestic use and shall provide documented results to the Fire Chief, Water Department, and Board prior to the issuance of the Notice to Proceed.
90. The Norwell Development shall be serviced by the municipal water system.



91. As the Board has neither jurisdiction nor authority to grant Town of Norwell municipal water rights to dwelling units located in Hingham, this Comprehensive Permit shall in no way be deemed to provide such.

Site Inspections

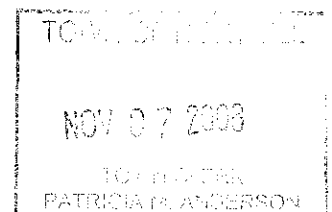
92. The Board's consulting engineer shall perform site inspections for determining the Norwell Development's compliance with this Decision at the Applicant's expense. The consulting engineer shall represent the Town's interest and shall observe all stages of Total Project construction, including, but not limited to observation of all utilities prior to backfill, in order to provide required certifications to the Board. The Applicant shall also independently comply with any Environmental Monitoring obligations of the Final Order of Conditions and Settlement Agreement.

Fees

93. The fees for review by the Board's consultants, including site inspections, engineering, environmental monitoring pursuant to the Final Order of Conditions and/or Settlement Agreement, financial and/or legal review for the Norwell Development shall be the obligation of the Applicant. Prior to the commencement of work by a particular consultant, the Applicant shall pay the estimated fees for the required work. Any fees for environmental monitoring as well as the selection of an environmental monitor fall within the purview of the Norwell Conservation Commission. The Board shall work cooperatively with the Applicant and the Conservation Commission to attempt to keep post-decision monitoring costs as low as possible. No ground disturbances shall commence until any and all past due fees are paid. The Applicant shall deposit fees estimated for pending action and sufficient sums to maintain a \$1,000. minimum escrow balance.
94. The Applicant shall obtain all required federal, state, and local permits and shall pay all applicable fees.

Performance Guarantees

95. The Applicant shall post surety in the form of cash, bond, or a trilateral agreement to ensure satisfactory completion of the driveway and drainage improvements relating to the Norwell Development, prior to the issuance of building permits. The form of such instrument shall be subject to approval by Town Counsel.
96. No building shall be occupied until the improvements specified in this decision, including paving and landscaping, and as set forth on the plans of record, are constructed and installed so as to adequately serve the Total Project and the buildings and facilities on the Total Project site. If such improvements are not constructed or are not approved, the Board may authorize release of a Certificate of Occupancy, provided that sufficient security, in a form and amount satisfactory to the Board and approved by Town Counsel, is submitted by the Applicant to guarantee performance and/or completion of such improvements.
97. Prior to full security release, satisfactory As-Built Plans shall be provided to the Board.



Certificates of Occupancy

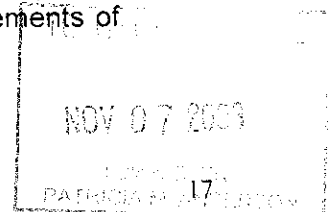
98. The Building Inspector of the Town of Norwell shall issue a Certificate of Occupancy *only* after such time as the Applicant's consulting engineer has certified in writing that construction substantially complies with the approved Site Development Plans, this Decision, and any Modifications thereto, including all required "As Built" Plans.
99. Prior to issuance of an Occupancy Permit, the Applicant shall provide a certified, individual interior *As Built Plan for such unit*, stamped by a Registered Architect or Land Surveyor, as specified in Paragraph 3, *Density*, of this Decision.

Final "As Built" Plans & Guarantees

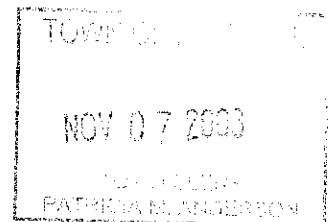
100. Upon completion of construction of the project infrastructure (including but not limited to the road and stormwater and wastewater systems), the applicant shall engage a Professional Land Surveyor and a Professional Engineer to perform an as-built survey, based upon field observations, and prepare an as-built plan that demonstrates substantial conformance with the approved plans. The Applicant's Registered Land Surveyor and Professional Engineer shall provide a Final Certification under his/her/their signature and seal, stating that the Norwell Development construction substantially conforms to the approved Site Development Plans, Construction Documents and Specifications, and all conditions of approval, or alternatively to identify all deviations from the approved plans and conditions of approval, subject to review by the Board's consulting engineer.
101. Additionally, the Applicant shall provide an as-built survey and a foundation as-built plan for each unit foundation to demonstrate that the foundations conform to the approved plans.
102. The Applicant shall submit to the Board final As-Built Plans stamped by the Applicant's Professional Engineer, Registered Land Surveyor, Registered Architect, and/or Registered Landscape Architect, as required, all buildings, landscaping, parking, driveways and roadways, on-site utilities, stormwater, drainage, and wastewater systems. The Applicant shall provide three (3) paper copies and an electronic copy in AutoCAD Civil 3D 2008 format or format then acceptable to the Board.
103. The Applicant shall provide a guarantee for all plant materials extending for one year following the date of submission and approval of the final As-Built Plans.

General

104. The Board shall retain jurisdiction over the Norwell Development to ensure compliance with all terms and conditions of this decision and to protect the interests of the Town of Norwell and its residents.
105. The provisions of this Comprehensive Permit shall be binding upon the successors and assigns of Damon Farm, LLC. The provisions and limitations of the Limited Dividend Organization shall apply to the Total Project regardless of ownership or encumbrance or the sale, transfer or assignment of the Total Project. The final audit shall include all costs, profits, and fees incurred as part of all sales, transfers, or assignments and is further subject to the requirements of the Department of Housing and Community Development (DHCD).



106. Any change in financial interest and/or ownership and/or control of the Norwell Development must be approved in advance by the Board. Such approval shall not be unreasonably withheld.
107. The Applicant shall submit copies of all federal, state, and local permits to the Board at the time they are issued.
108. If any provision of this decision or portion of such provision or the application thereof to any person or circumstances is for any reason held invalid or unenforceable, the remainder of the decision (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.
109. Prior to commencing site development work, the Applicant shall demonstrate to the satisfaction of the Board that it has received final approval from the Subsidizing Agency (MassHousing) and funding in accordance with the project eligibility letter, dated May 24, 2004, as extended.
110. If the Building Inspector determines that Norwell Development plans and/or construction are different from those approved by the Board or its consulting engineer, the Building Inspector shall notify the Board forthwith, which shall determine whether these changes are substantial or not in accord with this decision. If the Board determines that the changes may be substantial, it shall decide whether or not to allow these changes at a public hearing. Any and all inconsistencies are subject to review by the Board's consulting engineer at the Applicant's expense.
111. If there is any dispute about whether the Norwell Development plans are being implemented in accordance with this decision, the disputants shall present their concerns to the Board for its resolution. The Board shall determine the appropriate forum for the resolution of the dispute, unless otherwise provided by applicable law.
112. Additional site amenities (such as swimming pools, game courts, garages not physically attached to an approved housing unit, sheds, and other amenities, including any paved surfaces) shall constitute changes to the approved Plans and shall require approval by the Board prior to construction. The Board shall determine whether or not the changes may require review at a public hearing.
113. The Norwell portion of the Development, both during and after construction and occupancy, shall be and shall remain private. Further, the Town shall have the right but not the obligation (legal or financial) to complete the construction or to reconstruct, maintain, repair, replace at the cost and expense of the Applicant and/or Condominium Association, including but not limited to the following:
- a. All roadways, driveways, and parking areas
 - b. Stormwater Management and other drainage systems;
 - c. Snowplowing and ice removal
 - d. Landscaping and site work
 - e. Trash Removal (which shall be by individual pickup)
 - f. Street lighting and utilities
 - g. All building upkeep, maintenance, repair and replacement; and
 - h. Subsurface sewage disposal facilities or components thereof.
 - i. In the event that the Town should elect exercise its rights, excepting in the event of an emergency, the Town shall give at least ten (10) days written notice of its intention to perform any work to the Applicant and/or Condominium Association. The Applicant and/or Condominium



Association shall be obligated to reimburse the Town for all cost and expense associated with any such work.

114. The Applicant shall maintain all infrastructures and provide services to homeowners as detailed in the preceding paragraph, until such time as the Association shall assume such obligations and responsibilities, as detailed in the Condominium Documents.

Decision Filing, Appeals, and Recording

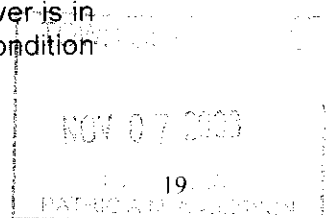
115. This Comprehensive Permit shall be deemed final after expiration of all applicable appeal periods and after all appeals, if any, have been decided. Within thirty (30) days of: (a.) expiration of the appeal periods or (b) after all appeals have been decided; whichever date is later, the Applicant shall record this decision at the Plymouth Registry of Deeds and shall provide the Board and the Building Department with documentation (book and page) of the filing or a copy of the decision with all recording information stamped thereon. A recordable Site Development Plan Set shall also be filed with the Plymouth Registry of Deeds after approval by the Board and its consulting engineer.
116. As provided in 760 CMR 56.05(8)(a), the Board shall file its decision within fourteen (14) days of its vote with the office of the Town Clerk, forward a copy to the Applicant or its designated representative, and to the Department of Housing and Community Development.
117. Any person or parties aggrieved by this decision may appeal pursuant to Section 21 of the Act. An appeal may also be made, in certain cases, to Superior Court within twenty (20) days after filing of the written decision with the Town Clerk.
118. **EXPIRATION:** The applicant shall commence construction within two (2) years from the required date of recording of the Comprehensive Permit, as detailed in Paragraph 115 above, or it shall lapse. Construction, once commenced, shall proceed expeditiously as possible without interruption on a timeline submitted to the Board of Appeals by the Applicant. Any material or substantial delay or deviation from such agreement by the applicant is subject to review and may result in modification of the Comprehensive Permit by the Board of Appeals.

Profits

119. The Applicant shall comply with the current DHCD guidelines and/or regulations which require the posting of financial surety pending certification of the project profits.

Waivers

120. The Board grants waivers as requested by the Applicant only to the following sections of the *Norwell Zoning Bylaw, Rules and Regulations of the Norwell Planning Board, the Norwell Board of Health Regulations, and the Norwell Bylaws and Rules and Regulations* to the extent they are necessary to ensure that the Project is constructed in accordance with the Site Development Plans as approved by the Board of Appeals, as detailed below. If any waiver is in conflict with a specific Condition of the Comprehensive Permit, the Condition



shall apply. Nothing herein shall be construed as affecting a waiver of the terms and conditions of the Settlement Agreement dated May 22, 2008 by and between the Town, its Conservation Commission, and the Applicant.

Local Regulation	Description	Action
Zoning Bylaw § 1620	Applicability – Other Laws	Section 1620 provides that where the zoning bylaw is more restrictive than others that may apply, the Norwell Zoning Bylaw shall control. This general waiver request is too broad to be reasonably evaluated and the requested waiver is therefore denied. To the extent that waiver of specific provisions of the Zoning Bylaw or other bylaws is required, waiver of those specific requirements is specifically addressed as indicated herein.
Zoning Bylaw § 1630	Conformance – Building Permits to conform to future amendments of zoning bylaw	Section 1630 requires construction under a building permit to conform to future amendments to the Zoning Bylaw unless the use or construction is commenced within not more than six months after the issuance of the permit and, in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable. The decision of the Board provides for a period of two years for construction to commence under this Comprehensive Permit. Accordingly, the requested waiver is granted solely with respect to extending the period during which construction under this Comprehensive Permit must commence from 6 months to two years. Thereafter, future construction must conform to future amendments to the Zoning Bylaw. As the mechanism for controlling land use, the Zoning Bylaw must respond to future public policy issues which the Board cannot reasonably foresee. Accordingly, we consider it reasonable that new construction within the project site modifying the construction authorized by the Comprehensive Permit now before the Board must conform to future amendments to the Zoning Bylaw in order to protect the health, safety, and welfare of future residents of the Town.
Zoning Bylaw § 1640	Nonconformancy	Section 1640 provides for the continued lawful use of any structure or land existing at the time of enactment or subsequent amendment of the Zoning Bylaw and allows for changes, extensions, and alterations of pre existing nonconforming structures and uses. To the extent allowed by law, the requested waiver is granted in part solely with respect to allowing the Board of Appeals to permit the structures and multifamily use authorized under this Comprehensive Permit to be extended, altered or changed, upon issuance of a special permit should the Board of Appeals determine that the proposed extension, alteration, or change as may be proposed in the future is not found to be substantially more detrimental than the then existing structures and multi family use authorized under this Comprehensive Permit.
Zoning Bylaw § 2210	Use Requirements	Section 2210 requires compliance with Section 2300, District Use Regulations. The requested waiver is granted solely to the extent required in order to allow construction and use of the specific structures, site improvements, and multifamily use allowed under this Comprehensive Permit.
Zoning Bylaw § 2331 (a)	Permitted Residential Uses –Business B District dwelling per lot	Section 2331a limits the residential use of the premises to the conversion of dwellings existing on March 14, 1963 to two or three-family dwellings. The requested waiver is granted solely to the extent required in order to allow multifamily use specifically as authorized under this Comprehensive Permit.

NOV 07 2008

PATRICIA M. ANDERSON

Local Regulation	Description	Action
Zoning Bylaw § 2442	Side and Rear Yard Setbacks	Section 2442 requires a minimum setback of 10 feet from side and 20 feet from rear lot lines. The requested waiver is granted insofar as to allow for the construction of buildings within 20 feet of the rear lot line, as authorized under this Comprehensive Permit, when the intrusion into the rear lot setback is required to maximize available wetland resource buffers.
Zoning Bylaw § 2450 (d)	Lot Shape	Section 2450 (d) requires that a dwelling may be located only within a 150 foot circle inscribed within specific lot lines. The requested waiver is granted.
Zoning Bylaw § 3130	Parking Space Size	Section 3130 requires that a parking space be a minimum of 20 feet in length, together with an aisle of 24 feet. The requested waiver is granted to allow for the construction of parking spaces a minimum of 9 feet in width by 18 feet in length together with an aisle of at least 20 feet in width.
Zoning Bylaw §3150	Parking Lot Design Requirements (§§ 3155-3157, and 3159).	Section 3150 and its subsections set forth specific design requirements applicable to Business District parking lots. The requirements of Section 3150 and its subsections are not applicable to the proposed residential use, and the requested waiver is accordingly granted.
Zoning Bylaw § 3200	Landscaping and Screening	Section 3200 and its subsections proscribe required landscaping and screening elements. The Applicant has developed extensive landscape and screening plans, which have been approved by the Department of Environmental Protection and the Norwell Conservation Commission under the Massachusetts Wetlands Protection Act (MGL Ch 131 § 40), and which are incorporated as part of this Comprehensive Permit. Accordingly, the requested waiver is granted to allow for the installation of landscaping and screening in accordance with such plans.
Zoning Bylaw § 4300	Aquifer Protection District ("APD")	Section 4300 sets forth a special permit procedure applicable to uses proposed within the APD. The requested waiver is granted solely to the extent required in order to allow construction and use of the specific structures, site improvements, and multifamily use allowed under this Comprehensive Permit.
Town of Norwell By-laws, Rules and Regulations	Norwell Wetlands Protection By-law Article XVI-a §2B	Article XVI-a §2B precludes any activity or alteration within a 50 foot buffer strip adjoining any wetland resource area, bordering vegetated wetland, and/or isolated vegetated wetland. The requested waiver is granted solely with respect to allowing work as shown on the drawings within 50 feet, yet no closer than 15 feet, of designated resource areas, consistent with the Final Order of Conditions issued under the <i>Massachusetts Wetlands Protection Act (MGL Ch 131 § 40)</i> .
Town of Norwell By-laws, Rules and Regulations	Norwell Wetlands Protection By-law Article XVI-a §4	Article XVI-a §4 requires submission of a Notice of Intent under Article XVI-a Wetlands Protection Bylaw and provides for coordination with filings under the <i>Massachusetts Wetlands Protection Act (MGL Ch 131 § 40)</i> . The requested waiver is granted solely with respect to requirements to file under the Norwell Bylaw. The Applicant has received a Final Order of Conditions under the <i>Massachusetts Wetlands Protection Act (MGL Ch 131 § 40)</i> .
Town of Norwell By-laws, Rules and Regulations	Norwell Wetlands Protection By-law Article XVI-a §5	Article XVI-a §5 defines terms used in administration of the Norwell Bylaw. The requested waiver is granted in that filing requirements under the Norwell Bylaw are waived. The Applicant has received a Final Order of Conditions under the <i>Massachusetts Wetlands Protection Act (MGL Ch 131 § 40)</i> .
Town of Norwell By-laws, Rules and Regulations	Norwell Wetlands Protection By-law Article XVI-a §6	Article XVI-a §6 authorizes the Conservation Commission to deny permission for any removal, dredging, filling, or altering of lands subject to the Norwell Bylaw. The requested waiver is granted in that filing requirements under the Norwell Bylaw

TOWN OF NORWELL, MASS.
 NOV 07 2008
 ZBA File No. 05-09/Comprehensive Permit – Queen Anne's Corner
 PATRICIA M. COLLISON

Local Regulation	Description	Action
		are waived. The Applicant has received a Final Order of Conditions under the <i>Massachusetts Wetlands Protection Act (MGL Ch 131 § 40)</i> .
Town of Norwell By-laws, Rules and Regulations	Norwell Wetlands Protection By-law Article XVI-a §7	Article XVI-a §7 authorizes the Conservation Commission to impose conditions upon any work on lands subject to the Norwell Bylaw. The requested waiver is granted in that filing requirements under the Norwell Bylaw are waived. The Applicant has received a Final Order of Conditions under the <i>Massachusetts Wetlands Protection Act (MGL Ch 131 § 40)</i> .
Town of Norwell By-laws, Rules and Regulations	Norwell Wetlands Protection By-law Article XVI-a §10	Article XVI-a §10 provides for reimbursement of fees for professional consultants to review submissions under the Norwell Bylaw. The requested waiver is not required, as it falls outside of the purview of the Board of Appeals due to the settlement agreement under a Final Order of Conditions issued under the <i>Massachusetts Wetlands Protection Act (MGL Ch 131 § 40)</i> .
Town of Norwell By-laws, Rules and Regulations	Article XII Section 8A Drainage Specifications	Blanket Waiver of all rules and regulations is requested and is too broad to be meaningfully evaluated. The requested waiver is granted in part solely with respect to allowing construction of the storm drain system as shown on the approved Final Plans cited in this decision.
Board of Health Part 1.2	Expert consultants	Section 1.2 requires applicants to reimburse the Board of Health for the fees of mutually agreed upon expert consultants deemed necessary to review applications. The Board recognizes that the septic system will be located in Hingham, and expects that the Hingham Board of Health will coordinate review with the Norwell Board of Health to ensure the protection of the public health in both communities. The requested waiver is denied. As a matter of policy, the Board does not waive such fees or escrows as may be required by other Town Boards or Departments in the routine conduct of their business.
Board of Health Part 2.2	Deep observation hole tests	Section 2.2 establishes the requirement for 4 deep hole tests. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the system or the reserve leaching field for the system in Norwell, the Board of Health should have the authority to require an adequate number of soils tests. The requested waiver is denied.
Board of Health Part 2.3	High Groundwater Elevation Determination	Section 2.3 establishes the requirements for determining design groundwater elevation. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the soil absorption system or the reserve leaching field for the system in Norwell, the Board of Health should have the authority to require an accurate determination of groundwater elevation if existing testing is not adequate. The requested waiver is denied.
Board of Health Part 2.4	Percolation testing	Section 2.4 establishes requirements for percolation tests. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the soil absorption system or the reserve leaching field for the system in Norwell, the Board of Health should have the authority to require an accurate determination of percolation rate. The requested waiver is denied.
Board of Health Part 2.5	Percolation/Deep Hole Filings	Section 2.5 establishes requirements for submission of percolation test and deep hole test data. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the soil absorption system or the reserve leaching field for the system in Norwell, the Board of Health should be entitled to submission of test data in a timely manner and submission of

TOWN OF NORWELL

NOV 07 2003

PATRICIA M. ANDERSON

Local Regulation	Description	Action
		data within 60 days of the test date does not seem burdensome. The requested waiver is denied.
Board of Health Part 2.7	Wetland Setbacks	Section 2.7 requires septic tanks and all components of the system, including distribution pipes will be 50 feet from wetlands. Currently, it is anticipated that the septic system will be located in Hingham. The requested waiver is granted only to the extent that septic lines and associated components leading away from units before entering the septic system may be deemed to constitute "components of the system."
Board of Health Part 2.9	Septic System Construction in Fill	Section 2.9 establishes inspection requirements for systems constructed in fill. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the soil absorption system or the reserve leaching field for the system in fill, in Norwell, the Board of Health should have the authority to require 3 inspections as set forth in the regulations and these inspection requirements are not considered burdensome. The requested waiver is denied.
Board of Health Part 2.10	Final Inspections	Section 2.10 establishes requirements for distribution box tests and sieve analysis. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the soil absorption system or the reserve leaching field for the system in Norwell, the Board of Health should have the authority to require appropriate tests and these tests are not considered burdensome. The requested waiver is denied.
Board of Health Part 2.12	Mounded septic systems: setbacks and drainage requirements	Section 2.12 establishes setback requirements for mounded systems. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the soil absorption system or the reserve leaching field for the system in Norwell, the Board of Health should have the authority to require adequate setback of any mounded system. The requested waiver is denied. However, should this requirement be prove burdensome, the Board of Appeals would consider modifying this denial based upon consideration of evidence presented at the time of a specific proposal.
Board of Health Part 2.14	Pressure Dosing	Section 2.14 establishes setback requirements for an observation port. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the soil absorption system or the reserve leaching field for the system in Norwell, the Board of Health should have the authority to require an observation port. As the cost of the device is minimal, the requested waiver is denied.
Board of Health Part 2.17	Trees in Leaching Area	Section 2.17 establishes setback requirements for tree removal in the 5 foot over dig area. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the soil absorption system or the reserve leaching field for the system in Norwell, the Board of Health should have the authority to require tree removal to ensure proper functioning of the system. The requested waiver is denied.
Board of Health Part 2.19	As-Built Grading Plan	Section 2.19 establishes setback requirements for an As-Built plan. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the soil absorption system or the reserve leaching field for the system in Norwell, the Board of Health should have the authority to have accurate records of the system construction. The requested waiver is denied.

TOWN OF NORWELL

NOV 07 2003

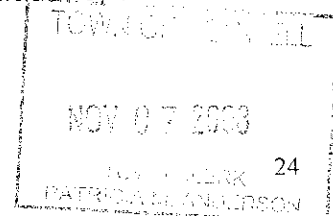
Town Clerk
PATRICIA M. ANDERSON

Local Regulation	Description	Action
Board of Health Part 2.27	New Construction when Percolation Rates are between 30 and 60 minutes/inch	Section 2.27 establishes minimum lot size requirements for systems on lots having percolation rates exceeding 30 minutes per inch. Currently, it is anticipated that the septic system will be located in Hingham. However, should there be a requirement to locate the soil absorption system or the reserve leaching field for the system in Norwell, then the provisions of section 2.27 may generally apply. The requested waiver is granted in part solely with respect to allowing the construction of 24 two-bedroom residences without requiring an increase in lot area.
Planning Board Rules 3.10	Dwelling Limitation ⁽¹⁾	Section 3.10 states that not more than one dwelling shall be erected, or placed, or converted to use as a dwelling on any lot in a subdivision or elsewhere in the Town without the consent of the Planning Board and the regulation applies to all land in the Town, even if it is not being subdivided. The requested waiver is granted specifically to allow construction of 24 dwellings on a single lot as shown on the approved Comprehensive Permit plans.
Planning Board Rules 7C.2	Data Submission ⁽¹⁾	Section 7C.2 establishes minimum data requirements for drainage calculations. As the project as submitted must meet DEP Stormwater Management Policy, the requested waiver is denied.
Planning Board Rules 7C.6.5	Installation ⁽¹⁾	Section 7C.6.5 establishes requirements for installation of the storm drain system under inspection by the Planning Board engineer. The requested waiver is granted to allow observation by a project monitoring engineer approved by the Board of Appeals.
Planning Board Rules 7F.1-5	Utility Easements	Section 7F.1-5 applies to utility easements. The Comprehensive Permit does not constitute subdivision of land and the application of the Planning Board's subdivision design standards is not required. Utility easements shall be recorded with the Home Owners' Association and shall conform to the requirements of specific utility providers.
Planning Board Rules 7G.1	Street Light Standard ⁽¹⁾	Section 7G.1 requires installation of the Planning Board's standard "Town and Country" streetlight fixture. The Comprehensive Permit does not constitute subdivision of land and the application of the Planning Board's design standards for subdivision streets is not required. The applicant has agreed to install streetlight poles and fixtures to meet Dark Sky Standards, as elsewhere conditioned in this decision. The requested waiver is granted.
Town of Norwell Bylaws and Rules and Regulations	Article XII Board of Appeals Rules and Regulations, rev. 8/18/04	Article XII was specifically adopted to facilitate processing of projects under Ch 40B. The requested waiver is denied.
Building Department	Waive all local fees	The requested waiver is denied, as a matter of Board policy.
Water Department	Waive all local fees required for connection to public water supply	The proponent has agreed to install an inter-town connection between Norwell and Hingham, as well as provide infrastructure to allow for water-looping adjacent to other property. The requested waiver is denied, as a matter of Board policy.

⁽¹⁾ The Planning Board *Rules & Regulations* cited refer to those adopted in May 20, 2006.

121. The Norwell Development shall conform to requirements of the Planning Board's *Rules & Regulations* as amended from time to time unless otherwise waived herein.

122. Waivers from any and all Town of Norwell rules, regulations, and/or bylaws not specifically listed above are hereby denied.



Lois S. Barbour

Lois S. Barbour

11/6/08

Date

Ralph J. Rivkind

Ralph J. Rivkind

11/7/08

Date

David Lee Turner

David Lee Turner

VOTED: 05 NOVEMBER 2008

Date

Date Filed with Office of the Town Clerk

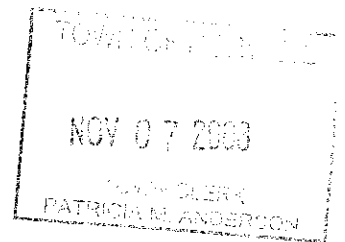
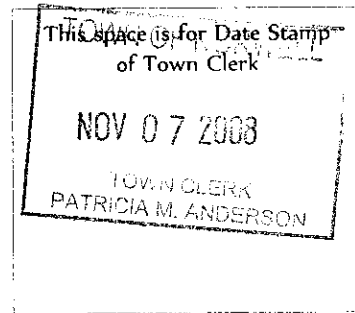
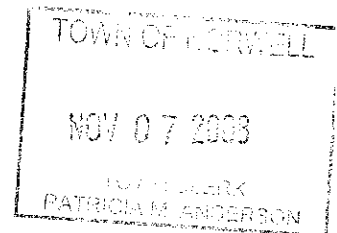


EXHIBIT A: File Inventory for Comprehensive Permit Decision Damon Farm, LLC, Queen Anne's Corner, Norwell

N.B. The following information has been submitted as part of the public record for this application. This Exhibit A is not intended to include all documentation or information submitted in the course of the public hearing, but to serve as a convenient reference.

APPLICATION AND MODIFICATIONS:

- 01/20/05 Application Packet with formal application request under MGL c. 40B, §§ 20-23, stamped by Norwell Town Clerk on January 20, 2005, including the following documentation:
1. Project Summary
 2. Documentation of limited dividend organization status: Certification, dated 1/5/05, by William Francis Galvin, Secretary of the Commonwealth, that Damon Farm, LLC has filed in accordance with provisions of Massachusetts General Laws Chapter 165C on March 12, 2003.
 3. Project Eligibility Letter issued to **Damon Farm Condominiums**, by MassHousing (See letter Conditions)
 - a. 7/24/03: MassHousing rejection of first application
 - b. 5/24/04: MassHousing Project Eligibility Letter issued for revised application submitted 12/18/03. Valid for 2 years.
 - c. 03/02/07: MassHousing Project Eligibility Letter extension to 5/17/08
 - d. 05/14/08: MassHousing Project Eligibility Letter extension to 5/16/09
 4. Development Team
 5. Site Control Norwell: Assessors Map 5D, Block 12, Lots 1 and 2
 - a. Tigger Realty Trust
 - b. Damon Farm, LLC.
 - c. Access Easement Agreement: Goldberg Enterprises, LLC, dated 31 May 2005, to benefit entirety of land owned by Tigger Realty Trust and Damon Farm, LLC. (Plymouth Registry of Deeds, Book 29116, Page 41), per 6/1/2005 letter from Jeffery A. Tocchio to Robert E. Galvin, Esq.
 6. Plans and Drawings
 7. DHCD Subsidized Housing Inventory (SHI)
 8. Existing Site Conditions/Engineering Reports
 9. List of Waivers/Exceptions
 10. Comprehensive Permit Application
 11. Conclusion



ADDITIONAL PLANS, DOCUMENTS, and REPORTS:

- 01/20/05 **Plan Set** of Proposed Residential Development/ Damon Farm/at Queen Anne Corner, dated November 1, 2004, prepared by EMAC Engineers, Inc., 739 Central Avenue, Johnston, RI 02919 and The DeCelle Group

**EXHIBIT A: File Inventory for Comprehensive Permit Decision
Damon Farm, LLC, Queen Anne's Corner, Norwell**

LLC, 149 Independence Avenue, Quincy, MA 02169, stamped and signed by Lawrence W. DeCelle, P.L.S, including the following sheets:

1. Index of Sheets with Locus Plan (Scale 1"=2,000') and Key Map (Scale 1"=200')
2. Existing Conditions, Scale 1"=50'
3. Site Layout Plan, Scale 1"=50'
4. Grading & Drainage, Scale 1"=50'
5. Road & Utility Layout & Profile 1 STA 1+00 to 11+00, Scale 1"=40'
6. Road & Utility Layout & Profile 2 STA 11+00 to 20+55, Scale 1"=40'
7. Landscape Plan, prepared by Thomas W. Ennis & Associates, 155 Corey Street, W. Roxbury, MA 02132, Scale 1"=50' (**not stamped**)
8. Details 1 Drainage
9. Details 2 Utilities
10. Details 3 Erosion Control

01/20/05 **Drainage Report** for Damon Farm at Queen Anne Corner, Hingham and Norwell, prepared by EMAC Engineers, Inc., 739 Central Avenue, Johnston, RI 02919, signed, but **not stamped** by Elizabeth J. McKenzie, MS, P.E.

01/20/05 **Stormwater Operation and Maintenance Plan** (not stamped or signed)

01/20/05 **Plan Set** (Not Stamped), entitled *Wastewater Treatment Plant/Damon Farm, Hingham/Norwell, Massachusetts*, dated November 1, 2004, prepared by EMAC Engineers, Inc., 239 Central Avenue, Johnston, RI 02919, and The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, including the following sheets:

Sheet 1: Index of Sheets with Locus Plan (Scale 1"=2,000') and Key Map (Scale 1"=200')

Sheet 2: Existing Conditions, Scale 1"=50'

Sheet 3: Site Layout & Sewer Utility, Scale 1"=50'

Sheet 4: Grading & Drainage, Scale 1"=50'

Sheet 5: Treatment Plant Layout & Grading, Scale 1"=20'

Sheet 6: Leaching Field Cross Sections & Details

Sheet 7: Plant Schematic & Hydraulic Profile

Sheet 8: Anoxic/Equalization Tank & Stilling Well

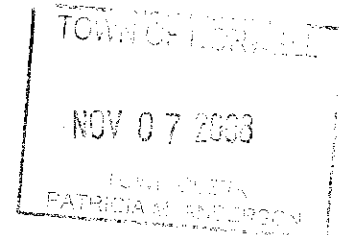
Sheet 9: Amphidrome Reactor

Sheet 10: Clear Well

Sheet 11: Amphidrome Reactor Plus

Sheet 12: Control She, UV & Blowers

Sheet 13: Sewer Collection Utility Details



01/18/06 **Plan Set (Rev. 3)** of *Proposed Residential Development/ Damon Farm/at Queen Anne Corner*, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, stamped and signed by Lawrence W. DeCelle, P.L.S, and James W. Burke, P.E., including the following sheets:

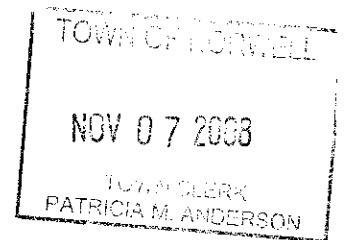
1. Index of Sheets with Locus Plan (Scale 1"=2,000') and Key Map (Scale 1"=200')

**EXHIBIT A: File Inventory for Comprehensive Permit Decision
Damon Farm, LLC, Queen Anne's Corner, Norwell**

2. Existing Conditions, Scale 1"=50'
3. Layout Plan, Scale 1"=40'
4. Layout Plan, Scale 1"=40'
5. Grading & Drainage, Scale 1"=40'
6. Grading & Drainage, Scale 1"=40'
7. Plan & Profile, Scale 1"=40'
8. Plan & Profile, Scale 1"=40'
9. Landscape Plan, Scale 1"=50'
10. Details
11. Details
12. Details
13. WWTP Details
14. WWTP Details
15. WWTP Details
16. WWTP Details

05/08/06 **Plan Set (Rev. 4/18/06)** of Proposed Residential Development/ Damon Farm/at Queen Anne Corner, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, stamped and signed by Lawrence W. DeCelle, P.L.S, and James W. Burke, P.E., including the following sheets:

1. Index of Sheets with Locus Plan (Scale 1"=2,000') and Key Map (Scale 1"=200')
2. Existing Conditions, Scale 1"=50'
3. Layout Plan, Scale 1"=40'
4. Layout Plan, Scale 1"=40'
5. Grading & Drainage, Scale 1"=40'
6. Grading & Drainage, Scale 1"=40'
7. Plan & Profile, Scale 1"=40'
8. Plan & Profile, Scale 1"=40'
9. Details
10. Details
11. Details



05/03/06 **Revised Drainage Calculations**, dated, 4/26/06, prepared by The DeCelle Group, 400 Washington Street, Suite LL-9, Braintree, MA 02184, stamped and signed by James W. Burke, P.E.

05/08/06 **Existing Watershed Map** for project entitled *Damon Farm/at Queen Anne Corner*, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169 (Not Stamped)

10/19/06 **Revised Engineering Report with Drainage Calculations**, dated October 13, 2006, prepared by The DeCelle Group, 149 Independence Avenue, Quincy, MA 02169 (not stamped or signed), including:
1. **Existing Watershed Map**, dated 11/1/04, with revision date of 9/19/06 (not stamped or signed)

**EXHIBIT A: File Inventory for Comprehensive Permit Decision
Damon Farm, LLC, Queen Anne's Corner, Norwell**

2. **Proposed Watershed Map**, dated 11/1/04, with revision date of 9/19/06 (not stamped or signed)

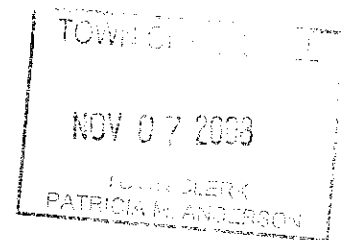
10/19/06 **Plan Set (Rev. 15, 10/13/06) of Proposed Residential Development/ Damon Farm/at Queen Anne Corner**, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, stamped and signed by Lawrence W. DeCelle, P.L.S, and James W. Burke, P.E., including the following sheets:

1. Index of Sheets with Locus Plan (Scale 1"=2,000') and Key Map (Scale 1"=200')
2. Existing Conditions, Scale 1"=50'
3. Layout Plan, Scale 1"=40'
4. Layout Plan, Scale 1"=40'
5. Grading & Drainage, Scale 1"=40'
6. Grading & Drainage, Scale 1"=40'
7. Plan & Profile, Scale 1"=40'
8. Plan & Profile, Scale 1"=40'
9. Details
10. Details
11. Details

Plan Set (Rev. 4/4/08)

Hingham Decision **Plan Set (Rev. 4/10/07) of Proposed Residential Development/ Damon Farm/at Queen Anne Corner**, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, stamped and signed by Lawrence W. DeCelle, P.L.S, and James W. Burke, P.E., including the following sheets:

1. Index of Sheets with Locus Plan (Scale 1"=2,000') and Key Map (Scale 1"=200')
2. Existing Conditions, Scale 1"=50'
3. Layout Plan, Scale 1"=40'
4. Layout Plan, Scale 1"=40'
5. Grading & Drainage, Scale 1"=40'
6. Grading & Drainage, Scale 1"=40'
7. Plan & Profile, Scale 1"=40'
8. Plan & Profile, Scale 1"=40'
9. Details
10. Details
11. Details
12. Notes



09/23/08 **Plan Set (Rev. 15, dated 9/22/08)**, consisting of 13 sheets, entitled **Proposed Residential Development/ Damon Farm/at Queen Anne Corner**, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, stamped and signed by Lawrence W. DeCelle, P.L.S, and James W. Burke, P.E., including the following:

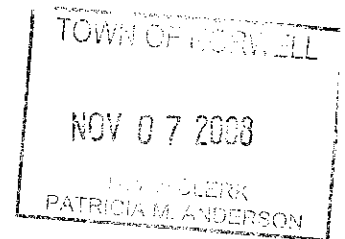
EXHIBIT A: File Inventory for Comprehensive Permit Decision
Damon Farm, LLC, Queen Anne's Corner, Norwell

1. Cover Sheet with Index of Sheets and Locus Plan (Scale 1"=2,000') and Key Map (Scale 1"=200')
2. Existing Conditions, Scale 1"=50'
3. Layout Plan, Scale 1"=40'
4. Layout Plan, Scale 1"=40'
5. Grading & Drainage, Scale 1"=40'
6. Grading & Drainage, Scale 1"=40'
7. Plan & Profile, Scale 1"=40'
8. Plan & Profile, Scale 1"=40'
9. Details
10. Details
11. Details
12. Details
13. Details

05/14/08 **Landscape Plans**, prepared by EcoTerra Design & Consulting, LLC, 26 Hill Street, Medway MA, dated 3/12/07, rev. 4/13/08
Sheet 1: Site Landscape Plan A
Site Landscape Plan B
Site Landscape Plan C

05/14/08 **Plan Set (Rev. 14 - 4/25/08) of Proposed Residential Development/ Damon Farm/at Queen Anne Corner**, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169, stamped and signed by Lawrence W. DeCelle, P.L.S, and James W. Burke, P.E., including the following sheets:

1. Index of Sheets with Locus Plan (Scale 1"=2,000') and Key Map (Scale 1"=200')
2. Existing Conditions, Scale 1"=50'
3. Layout Plan, Scale 1"=40'
4. Layout Plan, Scale 1"=40'
5. Grading & Drainage, Scale 1"=40'
6. Grading & Drainage, Scale 1"=40'
7. Road, Utility Layout and Profile, Scale 1"=40'
8. Road, Utility Layout and Profile, Scale 1"=40'
9. Construction Details & Notes
10. Construction Details & Notes
11. Construction Details & Notes
12. Construction Details & Notes



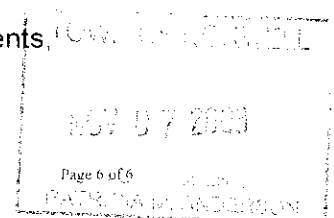
09/23/08 **Existing Watershed Map** (Rev. 09/22/08) for project entitled *Damon Farm/at Queen Anne Corner*, dated November 1, 2004, prepared by The DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169 (Not Stamped)

09/23/08 **Proposed Watershed Map** (Rev. 09/22/08) for project entitled *Damon Farm/at Queen Anne Corner*, dated November 1, 2004, prepared by The

**EXHIBIT A: File Inventory for Comprehensive Permit Decision
Damon Farm, LLC, Queen Anne's Corner, Norwell**

DeCelle Group LLC, 149 Independence Avenue, Quincy, MA 02169 (Not Stamped)

- 01/20/05 **Architectural Drawings**, entitled *Queen Anne Corner, Hingham/Norwell, Massachusetts*, with cover sheet dated 11/02/04, and all others dated 9/30/04, prepared by Sally Weston Associates, 222 North Street, Hingham, MA 02043 (**not stamped**), including:
SK1.1 Sketches
A1.1 Typical Unit Plans: Units A, A option, and B
A1.2 Typical Unit Plans: Units C, and C option
A1.3 Typical Building Plans and Front Elevations for C and BB
A1.4 Typical Building Plan and Front Elevation for CA
A1.5 Typical Building Plan and Front Elevation for BBAC
- 11/00/04 **Traffic Impact and Access Study**, prepared by Vanasse & Associates, Inc., 10 New England Business Center Drive, Suite 314, Andover, MA 01810
- 07/07/05 Hingham/Norwell Peer Review Report on Traffic from Coler & Colantonio, Inc., 101 Accord Park Drive, Norwell, MA
- 05/00/08 Letter, dated 5/21/08, from Vanasse & Associates, Inc. providing "Traffic Impact and Access Study Peer Review – Damon Farm, Hingham/Norwell, MA"
- 06/27/08 Letter of June 27, 2008, from Coler & Colantonio, responding to comments of updated Vanasse & Associates, Inc., report of 5/21/08
- 04/12/05 Hingham Peer Review report from Seacoast Engineering Company, 459 Washington Street, Duxbury, MA 02331
- 08/10/05 Norwell Peer Review report from Mainstream Engineering
- 01/17/06 Applicant's attorney to Norwell ZBA with peer review response and letter confirming replacement of Applicant's engineer, EMAC Engineers with The DeCelle Group and providing revised plans
- 06/04/06 Mainstream Engineering Meeting Memorandum – Supplemental Engineering Review
- 06/13/06 Norwell Peer Review Report – Supplemental Engineering Review
- 08/08/06 Letter of 8/3/06 from Applicant's engineer to Applicant's attorney regarding engineering meeting
- 08/15/06 Letter from Mainstream Engineering to Norwell ZBA regarding revised submittal and scheduled soil examination
- 12/28/06 Mainstream Engineering Supplemental Engineering Review – updated status of 6/13/06 report
- 01/03/07 Report from Mainstream Engineering regarding Engineering Peer Review Meeting held on 12/28/06
- 01/10/07 Letter of 1/10/07 from The DeCelle Group regarding status
- 01/25/07 Letter from Seacoast Engineering Company to Hingham ZBA
- 01/26/07 Email from Mainstream Engineering to The DeCelle Group regarding Stormwater Management and Wetlands Resource Areas
- 02/21/07 Hingham Peer Review report
- 02/21/07 Applicant's engineer's response to Norwell Peer Review comments,



**EXHIBIT A: File Inventory for Comprehensive Permit Decision
Damon Farm, LLC, Queen Anne's Corner, Norwell**

including **revised Drainage Calculations**, dated 2/18/07, prepared by The DeCelle Group, stamped and signed by James W. Burke, P.E.

03/14/07 Letter of 3/14/07 from The DeCelle Group to Norwell Health Agent
03/21/07 Letter of 3/21/07 from Applicant's engineer to Norwell Conservation Commission regarding Alternative Analysis for Damon Farm

05/08/07 Report from Mainstream Engineering – Supplemental Engineering Review

05/05/08 Revised Wet Rep and VP Creation Plans for Damon Farm at Queen Anne Corner, dated 5/5/08, prepared by GPR Engineering Solutions

06/27/08 Letter of 6/27/08 from Chessia Consulting Services for initial review since the Board approved a change in the peer review consultant

06/27/08 Letter of 6/27/08 from Coler & Colantonio for Traffic Impact and Access Study revised peer review

09/11/08 Letter of 9/11/08 from Chessia Consulting Services regarding Supplemental Engineering Review.

09/23/08 Letter of 9/22/08 from The DeCelle Group forwarding Revision No. 15 and associated Engineering Report of that date

10/02/08 Letter of 10/2/08 from Chessia Consulting Services regarding Supplemental Engineering Review

TOWN BOARDS AND DEPARTMENTS COMMENTS

02/23/05 Email from Norwell Housing Authority

02/28/05 Norwell Fire Chief regarding roadway width, hydrant spacing, and automatic sprinklers

01/02/07 Norwell Fire Chief:
1. Roadway width should be 26' and not 20' as shown on plan set, rev. 12/5/06
2. Entrance/exit on Washington Street is too narrow and will not allow for emergency vehicle access from northbound lane of Washington Street
3. Guest parking of 10 spaces at one end of the project

05/08/07 Norwell Conservation Commission: Denial of Order of Conditions
05/22/07 Norwell Conservation Commission: Applicant Appeal of Denial to DEP
02/12/08 Norwell Conservation Commission: Superseding Order of Conditions issued by DEP, 05 Feb 2008

05/00/08 Norwell Conservation Commission: SOC settlement agreement, dated May 22, 2008

06/00/08 Norwell Conservation Commission: **Final Order of Conditions**, dated 6/20/08, as recorded at the Plymouth County Registry of Deeds on 6/24/08 at Bk 36106 Pg 293-305

10/15/08 Norwell Conservation Commission letter of 10/15/08 confirming review of Plan Set Revision 15

04/09/07 Norwell Water Department concerns and conditions

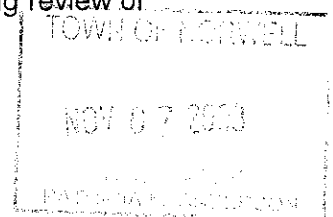


EXHIBIT A: File Inventory for Comprehensive Permit Decision
Damon Farm, LLC, Queen Anne's Corner, Norwell

08/13/08 Letter of 8/13/08 from Norwell Town Planner

CORRESPONDENCE:

01/24/05 Letter from Applicant's attorney to Town Administrator, submitting Comprehensive Permit application

02/03/05 Letter of 2/3/05 from Town Counsel to Applicant's attorney

02/09/05 Letter of 2/8/05 from Applicant's attorney to Town Counsel

02/16/05 Letter from Applicant's attorney to Norwell ZBA agreeing to continuance to 3/9/05

02/16/05 Letter from Norwell ZBA confirming continuance to 3/9/05

03/17/05 Letter from Hingham ZBA to MassHighway requesting status of intersection reconfiguration

04/13/05 Letter from Applicant's attorney to Norwell ZBA requesting continuance to 5/18/05

06/06/05 Letter from Hingham ZBA to Coler & Colantonio regarding traffic review

06/24/05 Letter from Applicant's attorney to Norwell ZBA requesting continuance to 8/10/05

08/11/05 Letter from Norwell ZBA to Applicant's attorney regarding escrow and engineer-only meeting

09/14/05 Letter of 9/13/05 from Applicant's attorney to Hingham ZBA requesting continuance to 10/20/05

09/14/05 Letter from Applicant's attorney requesting continuance to November

10/26/05 Letter from Applicant's attorney requesting continuance to late December or early January 2006

02/03/06 Letter from Applicant's attorney regarding Notice of Intent filing

02/07/06 Letter from Hingham Conservation Agent requesting completed filing

02/28/06 Letter from Applicant's attorney to Hingham ZBA requesting continuance to March.

03/29/06 Letter from Norwell ZBA to Applicant's attorney requesting additional escrow and status of wetlands delineation

04/04/06 Letter from Applicant's attorney to Hingham ZBA requesting continuance from 4/13/08 to next available hearing date in May.

05/02/06 Letter from Applicant's attorney forwarding \$5,000. escrow

05/17/06 Letter from Applicant's attorney to Norwell ZBA requesting continuance to 6/7/06.

06/01/06 Letter of 5/24/06 from Hingham Conservation Commission to The DeCelle Group regarding revised submission

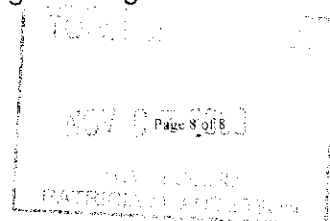
06/14/06 Letter from Applicant's attorney to Norwell ZBA submitting revised plans to ZBA and Norwell and Hingham Conservation Commission

08/09/06 Letter of 8/9/06 from Norwell Conservation Commission to Applicant's attorney regarding application defects

09/13/06 Letter from Applicant's attorney to Norwell ZBA agreeing to continuance to 10/11/06

09/13/06 Norwell Peer Review Letter from EcoTec, Inc. for the Norwell Conservation Commission regarding wetland delineation plan review

10/25/06 Letter from the Applicant's engineer regarding engineering meeting



**EXHIBIT A: File Inventory for Comprehensive Permit Decision
Damon Farm, LLC, Queen Anne's Corner, Norwell**

10/30/06 Letter from Applicant's attorney to Hingham Conservation Agent,
requesting continuation to 11/21/06

12/13/06 Letter of 12/6/06 from The DeCelle Group to Hingham Conservation
Agent

05/14/07 Letter from Norwell ZBA to Applicant's attorney requesting additional
escrow

05/25/07 Letter of 5/25/07 from Applicant's attorney to Norwell ZBA regarding
escrow

09/19/07 Letter of 9/19/07 from Applicant's attorney requesting continuance to next
available meeting date

10/22/07 Letter from Hingham ZBA to Applicant's attorney confirming continuation
to 11/29/07

01/29/08 Letter from Hingham ZBA to Applicant's attorney confirming continuation
to 2/28/08

02/20/08 Letter from Town Counsel filing Appeal of SOC with DEP

03/03/08 Letter from Applicant's attorney to MassHousing confirming vote of
Hingham ZBA on 2/28/08 to approve Hingham portion of the project and
requesting an extension of the Project Eligibility Letter to 5/16/09

05/07/08 Letter from Applicant's attorney confirming delivery of revision 14 of plans
to office on 5/6/08 and additional waiver from Section 2442 of NZBL

