

OFFICE OF
BOARD OF APPEALS

TOWN OF NORWELL

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NORWELL, MASSACHUSETTS 02061
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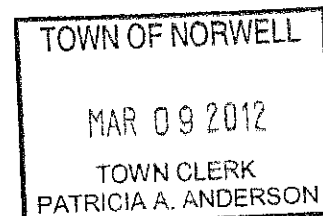
Michael E. Kiernan, Clerk
Thomas P. Harrison

FINDINGS AND DECISION

of

The Norwell Board Of Appeals

File No. 11-17



A Public Hearing (the Hearing) by the Norwell Zoning Board of Appeals (the Board) was scheduled for December 7, 2011, at the Norwell Town Offices, 345 Main Street, Norwell, MA on the Application (the Application) of:

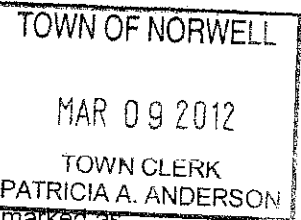
Foxrock Longwater II Realty, LLC
(f/k/a Foxrock Norwell Campus, LLC)
100 Newport Avenue Extension
Quincy, MA 02171 (the Applicant)

The initial Hearing scheduled for December 7, 2011, was continued by agreement of the Applicant and the Board and held on January 18, 2012, and then continued until February 8, 2012 by agreement of the parties. The Hearing was reconvened and completed on February 8, 2012, at which time the Board deliberated and voted unanimously to grant the relief requested in the Application, with one exception, set forth below, upon the conditions delineated in this opinion.

The Application requests **Site Plan Review** (Section 1500, 1520 and 1540), **Special Permits** (Sections 2341(e) and 4351(a)) and **Variations** (Sections 3100 (including Sections 3155, 3159(a), 3159(b) and 4360(o)), of the Norwell Zoning Bylaws for proposed renovations to an existing two-story 178,400 gross square foot warehouse and construction of a two-story 80,000 gross square foot building to be used for South Shore Medical Center offices and facilities, on the Property (the Property), hereinafter described.

The Application and plans were date-stamped by the Board of Appeals and the Office of the Town Clerk on November 9, 2011. Notice of the opening public hearing on December 7, 2011, was posted at Town Hall and duly advertised in the *Patriot Ledger* on November 17, 2011 and the *Norwell Mariner* on November 24, 2011, and such notice was sent to abutters and others pursuant to statute. The Application and plans were reviewed by the Planning Board as well as distributed to all other interested and requisite boards, committees and offices for their review and comment.

Howard M. Kelman, Esq. of Winokur, Serkey & Rosenberg, P. C., representing the Applicant, presented the application to the Board and responded to questions during the course of the public hearing. Various experts and consultants were also in attendance and provided testimony on behalf of the proponent. The Applicant and its engineers, architect and traffic consultant were also in attendance at all hearings during which evidence was taken.



FILE DOCUMENTATION (includes without limitation):

The following documents, plans and reports were received into evidence and marked as Exhibits, in accordance with the numbering below:

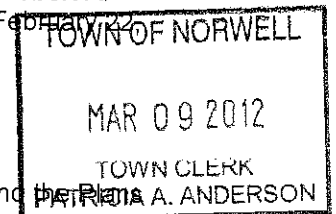
1. *Stormwater Management Report*, 141 Longwater Drive, Assinippi Park, Norwell dated 8/9/11 revised 10/21/11 (4 copies).
2. *Traffic Impact Study*, 141 Longwater Drive, Norwell dated 10/14/11 (5 copies).
3. Letter to Norwell Zoning Board of Appeals from Howard Kelman, Winokur, Serkey & Rosenberg, PC, re Zoning Relief Application, 141 Longwater Drive, Norwell (3 copies), Submittal Date: 11/8/11, Date Received: 11/9/11.
4. Proposed Sign Location Sketch for 141 Longwater Drive by Tetra Tech dated 10/27/11.
5. Conceptual Building Perspective, Foxrock Properties LLC, 141 Longwater Drive, Norwell by Steffian Bradley Architects dated 10/21/11.
6. Traffic Engineering Peer Review from Jeffrey Dirk, Vanasse Associates, Submittal Date 11/28/11.
7. Letter to Norwell Planning Board from John Chessia, Chessia Consultant Services, re Site Plan Review, 141 Longwater Drive Submittal Date: 12/6/11, Date Received: 12/6/11
8. Letter to Richard K. Sullivan, Jr., Executive office of Energy & Environmental Affairs from Marc D. Draisen, Metropolitan Area Planning Council re Proposed Medical Office Building, MEPA #14815, Submittal Date: 12/11/11, Date Received: 12/9/11.
9. *Response to Comments on Site Plan Review*, from Richard Alfonso and Nathan Cheal, Tetra Tech, incl: Revised Site Development Plans dated 12/19/11 (disk), Revised Stormwater Management Report dated 12/19/11 (disk), Topographical Plan with Grading & Utilities by Bradford Saivetz & Associates dated 12/1/93, Site Lighting Sheets, and Chemical Inventory for 141 Longwater Drive Submittal Date: 12/19/11 Date Received: 12/21/11.
10. *Response to Traffic Engineering Peer Review*, from Michael Hall and Nancy Doherty, Tetra Tech, Attached: Attachment A – Original VAI Peer Review Letter dated 11/28/11, Attachment B – Pedestrian and Bicycle Inventory and On-Site Pedestrian Facilities, Attachment C – Supplemental Crash Analysis count date 12/7/10, Attachment D – Capacity Analysis and Queue Length Summary Tables dated 8/23/11, Attachment E – Sight Distance Analysis dated 12/23/11, Attachment F – Site Layout Plan pages 3 & 4 dated 12/19/11, Attachment G – Signal Warrant Analysis High Street/Longwater Drive dated 12/27/11, Attachment H – Conceptual Improvement Plan Longwater Drive/High Street Intersection, Attachment I – Capacity Analysis-Longwater Drive/High Street Mitigation Options, Attachment J – Signal Warrant Worksheets-Longwater Drive/Pong Street, Attachment K – Truck Turning Analysis Submittal Date: 1/3/12 Date Received: 1/4/12.
11. *2 Full-size sets Site Development Plans, 141 Longwater Drive, Norwell* by Tetra Tech dated 12/19/11: Cover Sheet, Pg 1 – Existing Conditions Plan, Pg 2 – Existing Conditions Plan, Pg 3 – Site Layout Plan, Pg 4 – Site Layout Plan, Pg 5 Grading & Drainage Plan, Pg 6 – Grading & Drainage Plan, Pg 7 – Utility Plan, Pg 8 – Utility Plan, Pg 9 – Erosion Control Plan, Pg 10 – Erosion Control Plan, Pg 11 – Planting Plan, Pg 12 – Planting Plan, Pg 13 – Site Lighting Plan, Pg 14 – Site Lighting Plan, Pg 15 – Detail Sheet, Pg 16 – Detail Sheet, Pg 17 – Detail Sheet, Pg 18 – Pump Station, Pg A-1 – SSMC Conceptual Building 1st Floor Plan, Pg A-2 – SSMC Conceptual Building 2nd Floor Plan, Pg A-3 – SSMC Conceptual Building Elevations, Pg A-4 SSMC Conceptual Building Perspective, Pg A-5 – Warehouse Renovation Conceptual 1st Floor Plan, Pg A-6 – Warehouse Renovation Conceptual 2nd Floor Plan, Pg A-7 – Warehouse Renovation Conceptual Building Elevations, Pg A-8 – Conceptual Site & Building Signage Date Received: 1/4/12.
12. *Supplemental Site Plan Review – John Chessia* Submittal Date: 1/5/12 Date Received: 1/5/12.
13. *Parking Summary*, Tetra Tech Submittal Date: 1/6/12 Date Received: 1/6/12.

14. *Revised Elevation of SSMC building sheet A-3* – SBA architects Submittal Date: 1/6/12 Date Received: 1/6/12.
15. *Warehouse Rendering Sheet A-7a* – SBA architects Submittal Date: 1/6/12 Date Received: 1/6/12.
16. *Variance Justification Memo* – H. Kelman Submittal Date: 1/10/12 Date Received: 1/10/12
17. *Parking Justification Memo* – Tetra Tech Submittal Date: 1/10/12 Date Received: 1/10/12.
18. Email from Fire Chief in support of four access points to the site Submittal Date: 1/13/12 Date Received: 1/13/12.
19. Hazardous Materials List Submittal Date: 1/13/12 Date Received: 1/13/12.
20. *Recharge Volume Calculations Memo* – Tetra Tech Submittal Date: 1/16/12 Date Received: 1/16/12.
21. *Traffic Engineering Peer Review*, J. Dirk – Vanasse & Associates Submittal Date: 1/16/12 Date Received: 1/16/12.
22. *Revised Conceptual Site Plan Sheet 22A* modifying driveway entrance #3 – Tetra Tech Submittal Date: 1/16/12 Date Received: 1/17/12.
23. January (sic February) 6, 2012 Memorandum from Town of Norwell Water Department to Zoning Board of Appeals from Jack McInnis, Water Superintendent
24. *Schematic showing fire truck circulation on-site* – Tetra Tech Submittal Date: 1/16/12 Date Received: 1/17/12.
25. *Modified Existing Conditions Plan* showing location of soil test pits – Tetra Tech Submittal Date: 1/18/12 Date Received: 1/18/12.
26. *Traffic Engineering Peer Review*, Jeffrey Dirk, Associates, Submittal Date: 1/23/12.
27. *Transmittal Memorandum*, Rick Alfonso, Tetra Tech Submittal Date: 1/27/12 Received 1/27/12.
28. *Supplemental Traffic Data and Correspondence*, Mike Hall, Tetra Tech Submittal Date: 1/27/12 Received Date 1/30/12.
29. *The Plans* (the Plans) that include a cover sheet entitled: "Site Development Plans 141 Longwater Drive Norwell Massachusetts", stamped and signed by the Registered Professional Engineer #16052, Nathan H. Cheal, on February 22, 2012, by Tetra Tech, issued for Board endorsement on the stated date, that contains an aerial map of the project site and neighborhood, a vicinity map and a drawing list. The attached Plans are numbered 1 through 18, inclusive, and sheets A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-7A, and A-8, provided by Steffian Bradley Architects.
 Sheets 1 and 2 were stamped and signed by Robert F. Daylor, Registered Professional Engineer, on February 23, 2012.
 Sheets 3 through 10 and sheets 15 through 18 were stamped and signed by Nathan H. Cheal, aforesaid, on February 22, 2012.
 Sheets 11 and 12 were stamped and signed by W. Clifford Prentiss, Registered Landscape Architect, issued for Board endorsement on February 22, 2012.
 Sheets 13 and 14 were issued by Tetra Tech for Board endorsement on February 22, 2012.
 Sheets A-1 through A-8, including A-7A, were stamped and signed by Robert A. Numens, Registered Architect, revised for endorsement by the Board on February 22, 2012.

FINDINGS OF THE BOARD:

Based upon the evidence submitted by the Applicant, including the Exhibits and Plans endorsed by the Board for identification, the Board finds:

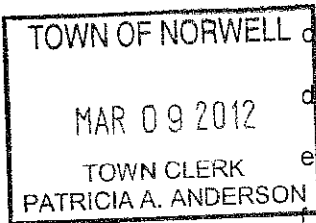
1. The Property (the Property) consists of two parcels, known and numbered as 141 Longwater Drive, and 219 High Street, and is shown on the Assessors' Atlas as Lots 18-



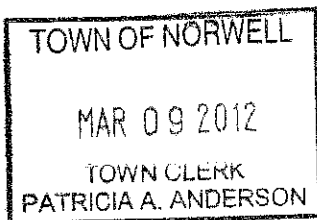
014 and 18-053 containing a combined acreage of 28.09 acres and including 1,692 feet of frontage on Longwater Drive shown in detail on the Plans, Exhibit 29.

2. Assessor's Lot 18-053 contains 25.4 acres and is entirely within the Business C-2 Zone. On this Lot there is an existing 269,000 square foot structure which includes the 178,400 warehouse to be renovated and an existing 91,000 square foot two-story office building connected to the existing warehouse. No work is proposed for the office building. The new building is proposed to be constructed on this Lot.
3. Assessor's Lot 18-014 contains 2.7 acres and is entirely within the Residence B Zone. This lot has 24 feet of frontage on High Street and contains an existing dwelling with the address of 219 High Street. The existing dwelling and its accessory structures are to be razed and the Lot shall be left as open space.
4. Most of the existing warehouse and its associated parking and the proposed building are within the Town's Aquifer Protection District.
5. **Norwell Planning Board Recommendations:** The following are the specific recommendations voted by the Norwell Planning Board on January 25, 2012, to which no objection was raised in public hearing before the Board of Appeals, subsequently adopted by the Board, and specifically included as conditions to be met or observed by the Applicant, unless otherwise noted or waived by this opinion:

- a. The Applicant shall determine the soil conditions beneath the parking area between the existing and proposed building to confirm that methods for meeting the recharge requirement are cost prohibitive.
- b. Inconsistencies in the square footage calculations for the existing building should be addressed.
- c. No salt shall be used to control snow or ice on the site. If alternative materials are proposed to be used the ZBA must give approval.
- d. All sidewalks and other hardtop areas that do not support vehicles shall be constructed with pervious pavers.
- e. All proposed signage shall conform to zoning requirements or obtain relief from the ZBA.
- f. The Applicant shall construct the proposed intersection improvement plan (Figure H-1) submitted in the January 3, 2012 Response to Traffic Engineering Peer Review as Attachment H.
- g. The Applicant shall construct a gravel pathway from the existing sidewalk to the site over Lot 14.
- h. The Applicant shall submit construction phase O & M plan 30 days prior to applying for building permits. This plan shall be reviewed by the town consultant and Planning Board.
- i. The plan shall indicate the size and composition of bicycle racks. Two additional bike racks shall be located adjacent to the existing warehouse building. Racks shall be in weather protected locations.
- j. The Applicant shall submit a proposal to be approved by the ZBA for reducing employee vehicle use with a Transportation Demand Management program, which may include: (1) establishment of a car/vanpool program with assistance from MassRides, (2) a ride matching service for employees, (3) offer a guaranteed-ride-home program for employees that car/vanpool, (4) offer a program to subsidize public transportation costs, (5) provide preferential parking for car/vanpool and for hybrid vehicles, (6) work with the Norwell Senior Center, local nursing homes, and other local senior programs to establish van service to transport patients to and from site, (7) offer alternative work schedules and flex time, (8) establish a website to disseminate rideshare information and (9) designate an on-site TDM coordinator.
- k.

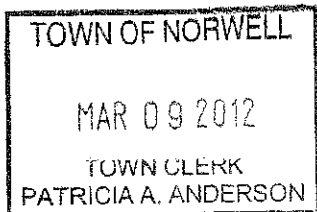


- l. The applicant shall be required to clearly indicate the limits of the snow removal storage areas on the plans. Snow storage areas shall be designated within paved areas where runoff shall be collected and treated by the closed drain system or the snow shall be removed from the property and properly disposed of by the operator(s) of the property.
- m. Any and all hazardous materials shall be disposed of according to any and all local, state and federal regulations.
- n. Prior to building permits being issued, the Applicant shall hire a qualified consultant, as has been done at other facilities, to produce a disposal, storage and remediation proposal for hazardous materials to be approved by the Board of Health, Fire Department and Water Department.
- o. No non-organic herbicides, pesticides or fertilizers shall be used within the bounds of the Aquifer Protection District. The district line shall be physically indicated on the property with signs, monuments or other ZBA approved means.
- p. In the event an MRI unit is installed, the Applicant shall submit a proposal that includes this type of unit, operational information, and a plan for screening the unit.
- q. Dumpsters shall be screened with fencing.
- r. The Applicant shall comply with all planting requirements shown on the final planting plan as approved by the ZBA.
- s. The Applicant shall remove the playground area located in the northeast corner of the site prior to completion of the project.
- t. Inconsistencies under Storm Water Management Regulations Standard 1 should be addressed to the satisfaction of the town consultant prior to approval.
- u. The Applicant shall submit a stand-alone maintenance plan for entire site that includes the long term pollution prevention and O & M plan to be approved by the town consultant.
- v. Prior to approval support data shall be provided with the calculations for the emergency spillway according to the town consultant's specifications.
- w. Screening of the parking area extended towards High Street shall include fencing and additional plantings as previously requested by the abutters.
- x. All necessary permits and approvals required, including, but not limited to, Conservation Commission NOI (submitted), MEPA certificate, MassDOT Indirect Access Permit and the NPDES NOI shall be obtained prior to construction of the project.
- y. Any change in the impervious surface conditions that may be proposed in the future for the property overall shall require full site plan review with full drainage calculations.
- z. The Applicant shall record any approved decision at the Registry of Deeds and attached thereto as an exhibit shall be a copy of the final plan set as approved and signed by the ZBA; and that evidence of such recording by the Applicant shall be a precondition to the issuance of a building permit for the project.



- 6. **Contents of Site Plan, Section 1520:** If the details in the Plans, endorsed by the Board for identification, are satisfied, the Applicant complies with Section 1520, *Contents of Site Plan*, of the Norwell Zoning Bylaw (NZBL), as all information, required in sub-sections a-o, has been provided.
- 7. **Procedure, Section 1530:** The Applicant complies with Section 1530, *Procedure*, of the NZBL, as all information required therein has been provided.
- 8. **Criteria for Approval, Section 1540:** As required in NZBL, Section 1540, *Criteria for Approval*, the Board has considered that the proposed Project constitutes a reasonable use of the site for the purposes permitted by the regulations for the district in which it is located, as required by Section 2333:

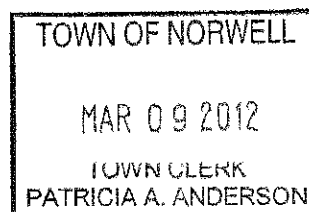
- a. The Applicant owns property in both the Business C-2 Zoning District and the Residential B Zoning District. (See **Findings** Paragraphs 2 and 3 above.)
- b. **NZBL Section 1541** requires the Board to consider, "*The protection of the district in which the site is located and adjoining district against detrimental, offensive, or incompatible uses or structures on the site.*" The Board finds that the changes in the design of the proposed project resulting from the Planning Board Recommendations and additional comments by the Town's consulting engineer, including the additional traffic studies, and the details set forth on the Plans, Exhibit 29, endorsed by the Board for identification, adequately address the Section 1541 and issues raised during the course of the public hearing.
- c. **NZBL Section 1542** requires the Board to consider, "*The convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent streets and land.*" Based upon the plans submitted by Applicant and the remediation agreed to by the Applicant in accordance with the recommendations of the Town's traffic consultant, the Board finds this requirement will, upon implementation of the plans, be satisfied.
- d. **NZBL Section 1543** requires the Board to consider "*The adequacy of the methods of disposal for sewage, refuse, and other wastes resulting from the uses permitted on the site, and the methods of drainage for surface water from its parking spaces and driveways.*" The Applicant has made adequate provisions for the disposal of sewage. The Plans submitted show that a dumpster will be placed on site for disposal of refuse and other wastes. The Town's consulting engineer has reviewed the stormwater management plan submitted. The Board, therefore, finds that upon the implementation of the requirements aforesaid, set forth in part on the Plans, endorsed by the Board for identification, the requirements of this section of the bylaw will be satisfied.
- e. **NZBL Section 3210, District Boundary Buffers**, requires landscaping and screening if the Business District property abuts a Residential District. The Board finds, based upon the Town's consulting engineer's review of the Plans, that the requirement will be satisfied upon implementation of the Plans.



9. **Grant of a Special Permit Section 2341(e)**, to establish a professional office use. The Board determines that the conduct of the proposed use, as delineated and defined in the Application and Exhibits, will not be detrimental to the neighborhood in the Business C-2 and Residential B Zoning Districts; that the conduct of the proposed use, as set forth in the Application and the Exhibits, will not significantly alter the character of the Zoning District; that the conduct of the proposed use, as set forth in the Application and the Exhibits, will not be injurious, noxious or offensive to the neighborhood; and that the proposed use, as set forth in the Application and the Exhibits, being located in the Aquifer Protection District, will not cause any significant degradation of the quantity or quality of groundwater supplies.
10. **Grant of a Special Permit Section 4351(a)**, to allow a use involving secondary usage or storage of toxic or hazardous materials in quantities greater than normally associated with usual household use. The Board determines that, according to the Exhibits and testimony provided by the Applicant, the intent of this Bylaw as well as its specific criteria will be satisfied upon the implementation of the requirements set forth in the Exhibits, the Plans endorsed by the Board for identification and this Decision, and groundwater quality resulting from on-site waste disposal and other on-site operations will not fall below Federal or State standards for drinking water at the down-gradient property boundary. The Applicant has submitted required documentation as set forth in Bylaw Section 4352.
11. **Grant of a Variance per Sections 3100 (specifically Section 3155)**, to construct and permit four driveways, instead of two, is granted. A substantial hardship (financial or otherwise) affecting the Applicant exists due to unusual and unique circumstances affecting the land and structures at issue. A review of the Plans, traffic study and related

documents establishes that there is no substantial detriment to the public good, and the granting of the requested Variance will not nullify or substantially derogate from the intent or purpose of the bylaw. The shape of the Lot with exceedingly long frontage, the long curve and the design of Longwater Drive with an intersection at the Southwestern corner of the Lot creates a hardship for the Applicant in developing a Site Plan that is efficient, reduces traffic issue and provides safety on Longwater Drive. The proposed four driveway design, as shown on Exhibit 29, improves on-site circulation, reduces traffic issues on Longwater Drive and provides better access for emergency vehicles. The Chief of the Norwell Fire Department has reviewed and approved the Plans showing these four entrances.

12. **Grant of a Variance from Section 3159(a)**, for the design of a storm water system that does not meet 25-year/24-hour storm minimum. There would be a substantial hardship (financial or otherwise) on the Applicant due to unusual and unique circumstances affecting the land and structures. The Board finds that granting this Variance will not nullify or substantially derogate from the intent or purpose of such ordinance or bylaw, and that there is no substantial detriment to the public good by granting such variance. The industrial park in which the site is located is designed for a 10-year storm standard. It is not practicable or useful for the site to be designed for a 25-year storm event, as any design would be limited by the existing infrastructure for a 10-year storm event. The entire industrial park was designed to the 10-year storm standard. Drainage from the parcel to be developed would flow into a piping system with smaller capacity than is required under Section 3159(a), surcharging the pipes and imposing unnecessary additional cost upon the Applicant. Imposing the 25-year/24 hour storm requirement would create an unusual circumstance affecting only this lot and not surrounding lots in the industrial park, creating an unnecessary and unreasonable economic hardship for the Applicant.
13. **Grant of a Variance from Section 3159(b)**, for establishing rainfall depths. Substantial hardship (financial and otherwise) would affect the Applicant and Application if the Cornell method of establishing unusual rainfall depths is required because of the size, shape and soil conditions of the site. There are unusual circumstances affecting the land and structures. The Board finds that the granting of the Variance will not be a substantial detriment to the public good and the granting of the Variance will not nullify or substantially derogate from the intent or purpose of such ordinance or bylaw. Due to the unique characteristics of the site, including the soils at this site, using the Cornell standard would create a hardship that would limit the project and affect the economic viability of the project. The Application and Exhibits, including Exhibit 29, and proposed site work do comply with the DEP standards for rainfall of 7 inches.
14. **Variance from Section from 4360(o)**. Based upon the documentation submitted by the Applicant and the review thereof by the Town of Norwell Boards, Town's consulting engineer's reports, and consultants, this Variance is not required, and is deemed withdrawn, or in the alternative, denied.
15. The Project, if built in accordance with the Plans endorsed by the Board for identification, the Application, the Exhibits as submitted by the Applicant and this Decision will meet all site plan, special permit, variance, bylaw and statutory standards and requirements.



DECISIONS OF THE BOARD:

On February 8, 2012, based upon representations by the Applicant as delineated in the Board of Appeals' findings above, the written recommendations of the Norwell Planning Board, dated January 25, 2012, correspondence from the Town of Norwell Water Department dated February 6, 2012, and other evidence received into the public record and presented during the public hearing, upon a motion duly made and seconded, the Board **VOTED** unanimously to:

1. Grant **Site Plan Approval** (Section 1500, 1520 and 1540), for proposed renovations of an existing two-story 178,400 gross square foot warehouse and construction of a two-story 80,000 gross square foot building, to be used by the South Shore Medical Center as offices and medical facilities, in accordance with the Plans, Exhibits and Application submitted and endorsed by the Board for identification.
2. Grant **Special Permits** (Sections 2341(e) and 4351(a)).
3. Grant **Variances** (Sections 3100 (specifically Section 3155), 3159(a), and 3159(b)).
4. Variance under Section 4360(o) is determined not to be required and is deemed withdrawn, or in the alternative, denied.

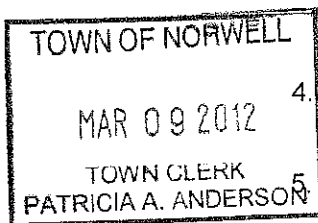
SPECIAL CONDITIONS:

1. The Property shall be developed in accordance with the Plans, Exhibit 29, signed by the Board for identification and subsequent revisions reviewed and approved by the Town's consulting engineer.

1(a) The details and requirements in the Plans, Exhibit 29, endorsed by the Board for identification and as finally revised, shall be observed and implemented and no occupancy permit shall be issued by the Inspector of Buildings until such compliance is completed.

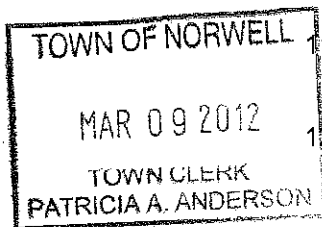
Note: A copy of the complete set of the Plans endorsed by the Board for identification, shall be filed with the Town Clerk with this Decision or within fifteen (15) days thereafter, as provided in Section 1550 of the Norwell Zoning Bylaw.

2. **Planning Board Recommendations:** The recommendations of the Norwell Planning Board detailed in the Board's Findings in Paragraph 5, Sections a-y inclusive, are incorporated by reference as Special Conditions of this decision, except as otherwise specifically modified in these Special Conditions.
3. **Plan Compliance:** Any deviation from the Plans as endorsed by the Board for identification, and as specified in Special Conditions Paragraph 1, above, shall be subject to review by the Town's Consulting Engineer at the expense of the Applicant and may require at the sole discretion of the Board of Appeals, a Modification of this Decision.
4. **General Signage Requirements:** All signs shall conform to requirements of the Norwell Zoning Bylaw and are subject to permitting by the Building Inspector, subject to approval of the Board of Appeals.
5. **Additional Testing:** The Applicant shall perform additional soil testing to confirm conditions at the time of construction. The results of the soil testing shall be immediately provided to the Board's consulting engineer. Any deviation from the Conditions noted at the time of hearing will be reported to the Board and its consulting engineer. Soil logs to confirm conditions north of the proposed new building and groundwater elevations shall also be reported, together with recharge calculations.



CONDITIONS APPLYING TO ALL DECISIONS:

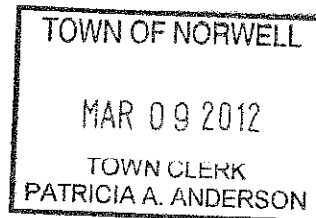
6. **RECORDING OF THE DECISION:** A certified copy of this Decision with all documents referenced below shall be filed with the Registrar of Deeds or Recorder of the Land Court, as appropriate. The applicant shall return a copy of the recording fee receipt to the Board of Appeals for its files.
7. **PLAN SET AND DOCUMENTS TO BE RECORDED WITH THIS DECISION:** The Applicant shall file the following mylar® sheets, as endorsed by the Board of Appeals on March 7, 2012, and detailed below, with the Registrar of Deeds and/or Recorder of the Land Court, specifically:
 - Sheet 3, Site Layout Plan, issued for endorsement on 2/22/12
 - Sheet 4, Site Layout Plan, issued for endorsement on 2/22/12
 - Sheet 5, Grading and Drainage Plan, issued for endorsement on 2/22/12
 - Sheet 6, Grading and Drainage Plan, issued for endorsement on 2/22/12
 - Sheet 11, Planting Plan, issued for endorsement on 2/22/12
 - Sheet 12, Planting Plan, issued for endorsement on 2/22/12With all of the aforesaid sheets being part of Exhibit 29, the Plan.
8. **EFFECTIVE DATE OF APPROVAL:** The zoning approvals granted by the Board of Appeals shall take effect only at such time as this Decision, supporting documents as referenced above, and the approved plan set are filed with the Office of the Town Clerk of the Town of Norwell, and recorded with the Registrar of Deeds or Recorder of the Land Court. **NOTE: Evidence of recording of the Board's Decision and documents specified above shall be provided to the Building Inspector, prior to issuance of any building permit.**
9. **LAPSE OF SITE PLAN APPROVAL:** The applicant shall complete any work described in the site plan approved by the Board of Appeals within one year of the date this Decision is filed with the Office of the Town Clerk or approval granted herein shall lapse.
10. **LAPSE OF SPECIAL PERMIT:** The applicant must exercise any Special Permit granted by the Board of Appeals within two years of the date this Decision is filed with the Office of the Town Clerk or it shall lapse.
11. **LAPSE OF VARIANCE:** The Applicant must exercise any Variance granted by the Board of Appeals within one year of the date this Decision is filed with the Office of the Town Clerk, or it shall lapse.
12. **EXTENSION OF APPROVALS:** The Board of Appeals may grant an extension of such time as it may deem necessary to carry the approved site plan into effect. However, the applicant must file an application for any such extension prior to expiration or a new Site Plan, Special Permit, and/or Variance application shall be required. Any such extension(s) shall be certified by the Board of Appeals to the Town Clerk and shall include the date on which any such extension is to lapse.
13. **CONSTRUCTION MONITORING:** This project is subject to the construction monitoring and escrow requirements contained in Article H of the Rules and Regulations of the Board of Appeals, adopted 7/22/08, subject to any modifications as may be adopted from time to time.
14. **CERTIFICATES OF OCCUPANCY:** No certificate of occupancy shall be issued until such time as all conditions of the Board's decision are met.
15. **DESIGN ENGINEER CERTIFICATION:** Prior to the issuance of any occupancy permit, the Applicant's registered professional engineer, landscape architect, and such other professionals that prepared the approved plans, shall certify to the Board or its agent that the location and elevation of all underground utilities, including drainage, water and sewer, and landscaping plan substantially conform to the plans approved by the Board of Appeals and reviewed by its consulting engineer.
16. **PEER REVIEW:** Further, the project design shall be checked against the filed As Built plans and reviewed by the Town's consulting engineer at the sole expense of



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

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

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Lois S. Barbour

Lois S. Barbour

Michael E. Kiernan

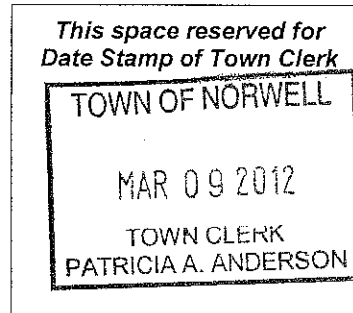
Michael E. Kiernan

David Lee Turner

David Lee Turner *

*Philip Y. Brown participated at the Zoning Board of Appeals Hearing held on January 18, 2012, but at the continued hearing held on February 8, 2012, was replaced by David Lee Turner in accordance with the so-called Mullin Rule; compliance therewith being properly demonstrated.

Date Filed with Office of the Town Clerk



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