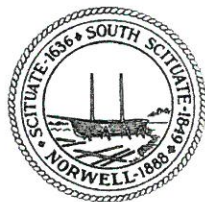


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OFFICE OF  
BOARD OF APPEALS

## TOWN OF NORWELL

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

### *Members*

Lois S. Barbour, Chair  
Philip Y. Brown, Vice Chair  
Ralph J. Rivkind, Clerk

### *Associate Members*

Daniel M. Senteno  
Nicholas K. Dean  
William J. Lazzaro  
Stephen H. Lynch

## FINDINGS AND DECISION *of* The Norwell Board of Appeals

ZBA FILE NO. 21-11

### Comprehensive Permit, *Pursuant to G.L. c. 40B, §§ 21-23,*

**Northland Residential Corporation**

#### I. INTRODUCTION AND BACKGROUND

**Project Property:** The subject property is known as and numbered 15, 19, 27 and 35 High Street, Norwell, Plymouth County, Massachusetts and comprised four (4) separate building lots improved with single family residential structures. The subject property is shown on Norwell Assessors' Map 17 and Block 67, Parcel 667, Map 17, Block 16, Parcel 606, Map 17, Block 17 Parcel 607, and Map 17, Block 18, Parcel 608 and contains a combined acreage of 3.88

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acres (169,341 sq. ft.), more or less. The title to the subject property is owned by 44 High Street Realty Trust, 35 High Street Realty Trust, 27 High Street Realty Trust (Stephen N. Marsh, Trustee), and Stephen N. Marsh and Laurie J. Marsh, individually (hereinafter the “property owner(s)”) (see Plymouth County Registry of Deeds, Bk 40257 PG 154, Bk 21541 PG 184, Bk 47490 PG 169, and Bk 49753 PG 57). The subject property is located in the Town of Norwell’s Residence B, Business C1, and Business B4 Zoning Districts. The subject property is under written purchase and sale agreement by and between the property owners and the applicant, Northland Residential Corporation (hereinafter the “Applicant”).

- Applicant:** Northland Residential Corporation, 80 Beharrell Street, Suite E, Concord, Massachusetts 01742.
- Owner:** 44 High Street Realty Trust, 35 High Street Realty Trust, 27 High Street Realty Trust (Stephen N. Marsh, Trustee), and Stephen N. Marsh and Laurie J. Marsh, individually.
- Project Eligibility:** By letter dated April 21, 2021, the Massachusetts Housing Partnership Fund Board (“MHP”) issued a project eligibility letter under the Permanent Rental Financing Program (the “Project Eligibility Letter”) to the Applicant to build fifty-six (56) rental units at the Property, with fourteen (14) affordable units to be rented to eligible households earning no greater than 80% of Area Median Income (the “Project”). As set forth in the Project Eligibility Letter, the Applicant was required to address certain matters of Local Concern during the public hearing process before the Zoning Board of Appeals (hereinafter the “ZBA” or “Board”).
- Application:** On May 4, 2021, the Applicant filed the Application for the Project with the Zoning Board of Appeals (the “ZBA” or the “Board”). The Project, as set forth in the original filing, included fifty-six (56) rental units on the subject property, with fourteen (14) permanently restricted, affordable units to be rented to eligible households earning no greater than 80% of Area Median Income.
- Public Hearing:** The public hearing on the Application timely opened on June 2, 2021, and further hearings were held on July 7, 2021, August 4, 2021, September 9, 2021, September 28, 2021, October 18, 2021, November 10, 2021, December 6, 2021, and December 13, 2021; and the public hearing closed on December 20, 2021.

The Board: The following Board members attended all public hearing sessions Lois S. Barbour (Chair),<sup>1</sup> Stephen H. Lynch and William J. Lazzaro.

Decision Date: On December 20, 2021, Members Lois S. Barbour (Chair), Stephen H. Lynch and William J. Lazzaro voted to: grant the Application with conditions, as set forth below.

Submittals: The Project is documented in the submittals shown on **Exhibit A**, (hereinafter the “File Inventory”) which is attached hereto and incorporated herein by reference.

Peer Review: The Board retained the following peer review consultants to assist in its review of this application:

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

Traffic: John G. Morgan Jr., P.E. PTOE,  
Section Manager  
CHA  
141 Longwater Drive  
Norwell, MA 02061

Architectural: Clifford J. Boehmer, AIA  
Davis Square Architects  
240A Elm Street  
Somerville, MA 02144

Town Boards and  
Departments:

In accordance with Gen. L. c. 40B and 760 CMR 56.05, the ZBA notified all local boards, commissions and officials of the proposed Project, that the hearings that would take place, and considered their comments when making this decision. Comments were received from the Town’s Planning Board, Conservation Commission, Board of Health, Fire Chief, Police Chief, Inspector of Buildings/Zoning Enforcement Officer, Historical Commission, Superintendent of Public Schools, Town Counsel, Water Department Superintendent and Board of Water Commissioners.

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<sup>1</sup> Lois Barbour, Chair of the ZBA, attended two continued sessions of the public hearing via Zoom on 9/28/21 and 10/18/21, a permissible form of remote participation, which the ZBA utilized throughout the public hearing process for the Applicant, consultants, abutters and other interested persons to use which included time during the state of emergency relating to COVID 19 pandemic.



Requested Waivers: The Applicant's list of proposed Waivers and the Board's actions thereon are attached hereto as Exhibit B and are incorporated herein by reference.

## II. JURISDICTIONAL REQUIREMENTS:

Under 760 CMR 56.04(1), in order to be eligible to submit an application to the Board for a Comprehensive Permit under G. L. c. 40B, the Applicant and the Project shall satisfy the following requirements under 760 CNR 56.04(1): (1) The Applicant shall be a public agency, a non-profit organization, or a Limited Dividend Organization; (2) the Project shall be fundable by a subsidizing agency under a low- and moderate-income housing subsidy program; and (3) the Applicant shall control the Site. The Applicant is further required to maintain its status, funding and site control during and after the issuance of the Comprehensive Permit in accordance with G. L. c. 40B, the applicable provisions of 760 CMR 56.00, and the requirements of the subsidizing agency.

### A. Applicant's Status

The Applicant represented to the Board that it is a limited dividend organization under 760 CMR 56.02 by virtue of receiving the Project Eligibility Letter from MHP and agreeing to sign the required Regulatory Agreement with MHP under the Permanent Rental Financing Program; thus, satisfying the requirements of 760 CNR 56.04(1)(a).

### B. Fundable Project

The Applicant received the Project Eligibility Letter indicating that the Project is fundable under the Permanent Rental Financing Program; thus, satisfying the requirements of 760 CNR 56.04(1)(b)).

### C. Site Control by Applicant

The Applicant has a written Purchase and Sale Agreement dated April 21, 2020, as amended by six (6) modifications or amendments dated from July 16, 2021 through January 8, 2021, to purchase the Property, and it has been determined by MHP in the Project Eligibility Letter that the Applicant has site control; thus, satisfying the requirements of 760 CNR 56.04(1)(c) that the Applicant has site control.

D. The Board expressly reserves the right in the event of a change of circumstances to raise any issues with the jurisdictional requirements.

## III. FINDINGS OF FACT

Following completion of the public hearing and based on the evidence submitted to the Board from all sources and the reasonable inferences therefrom, the Board made the following findings of fact:

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- A. The Property consists of the parcels of land listed above, located at 15, 19, 27 and 35 High Street, Norwell, Massachusetts comprising approximately 3.88 acres (169,341 sq. ft.) acres of land.
- B. The Property contains no state or local wetlands.
- C. The Property is located partially in the Residence B, Business C1, and Business B4 Zoning Districts under the Town of Norwell Zoning Bylaw (hereinafter "Zoning Bylaw").
- D. The Property presently has four (4) single-family houses, one each located at 15, 19, 27 & 35 High Street.
- E. The Town of Norwell installed a stormwater drainage pipe in a portion of the subject property which said drainage system functions to drain stormwater from a portion of High Street which abuts the subject property. The layout of the drain pipe is depicted on a plan entitled "High Street Drainage" prepared by Camp, Dresser & McKee, Inc. dated September 1986 and revised November 1987. The Applicant has proposed not to disturb the drainpipe shown on the plan. If any work does impact the drain pipe in any way, the Applicant agrees to repair the damages it caused to said drainpipe. The Applicant has further agreed that the Town may maintain, repair or replace the drainage pipe at the Town's cost and expense excepting for the cost to repair or replace any improvements installed by the Applicant in the area shown on said plan.
- F. The Applicant has provided information that it has complied with the Town's Demolition Delay Bylaw by a prior filing with the Norwell Historical Commission (hereinafter "Historical Commission"). The Historical Commission, in fact, imposed one-year demolition delays on the two properties which are included in the Project at 15 and 19 High Street which are a part of the Subject Property. The Board agrees that Historical Commission's delays pertaining to these properties have expired, and no additional demolition delays may be imposed on these houses, unless this Project is abandoned. The Board agrees that the Zoning Bylaw's demolition delay does not presently apply to the homes and properties known as and numbered 27 and 35 High Street houses.
- G. As of the date of the Application, the Town of Norwell did not meet the requirements for any of the safe harbor exceptions set forth under 760 CMR 50.03.
- H. The Project plans and the other documents and materials submitted during the hearing are listed on the File Inventory (**Exhibit A**), attached hereto, and incorporated herein by reference.
- I. The Applicant is an experienced developer of multi-family housing, including affordable housing in the Greater Boston area.
- J. John Chessia of Chessia Consulting Services, Inc. ("CCS"), was retained by the Board to perform a peer review of the site and civil engineering plans and to comment on the Applicant's Traffic Impact Assessment. Based upon

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several of Mr. Chessia's recommendations, the Applicant made revisions to the Plan. With the modifications to the Plan, Mr. Chessia's peer review of the site and civil engineering aspects of the Project found them to be in general compliance with applicable state and local laws and regulations and/or consistent with good engineering practice. Mr. Chessia also in appropriate circumstances recommended certain conditions to the Board in order to ensure that the final plans will comply with state law and regulations, unwaived local laws and regulations, and good engineering practice consistent with matters of Local Concern.

- K. Cliff Boehmer, AIA, an experienced architect, with Davis Square Architects, was retained by the Board to perform a peer review of the architectural design for the Project. Following Mr. Boehmer's Comment Letter, Mr. Boehmer, Mr. Lynch, the Applicant, and the Applicant's Design Team held a work session on October 18, 2021. The Applicant agreed to make some of the recommended modifications to the architecture and Plan. Mr. Boehmer in general expressed his support for the revisions.
- L. The Applicant submitted a Transportation Impact Assessment ("TIA") prepared by Scott Thornton, PE, of Vanasse & Associates, Inc. dated April 2021, which included certain recommendations and mitigation.
- M. John Morgan, PE, PTOE, of CHA Consultants, Inc. ("CHA") was retained by the Board to perform a peer review of the Traffic Impact Assessment. Mr. Morgan's peer review, dated 7/26/21, included comments that were responded to by Mr. Thornton in a report dated 10/12/21.
- N. The Board created a Traffic Working Group for which the participants were William Lazzaro (from the Board), John Morgan (CHA), John Chessia (Chessia Consulting Services, LLC), Norwell Police Chief Edward Lee, Norwell Police Safety Officer Ken Camerota, and Norwell Fire Chief Tyler Hannigan that met on 9/17/21.
- O. The Traffic Working Group, including Mr. Morgan and Mr. Chessia, made several recommendations to the Applicant for project improvements. After review and discussion with Mr. Thornton and the Applicant, Mr. Thornton prepared and presented response letters. Based upon the review, modifications were made to the project Plans. The final determination of the Traffic Working Group that included a meeting with the Applicant on 10/12/21, was that the projected traffic from the Project, as proposed with conditions, would not create a detrimental impact.
- P. The Applicant represents and the Town's peer review consultant concurs that subject property is not presently within a Massachusetts Division of Fisheries and Wildlife Priority or Estimated Habitat for Rare Species under the Natural Heritage and Endangered Species Program.
- Q. The Applicant represents and the Town's peer review consultant concurs that the subject property does not contain any jurisdictional wetland resource areas under the Massachusetts Wetlands Protection Act or state wetland protection



regulations or any wetland resource areas under the Town of Norwell's Wetland Protection Bylaw or regulations. The Norwell Conservation Commission (hereinafter the "Conservation Commission") agreed in a letter dated July 29, 2021, that after its review of the relevant files and data, they would not require any delineation of resource areas, and that they had no other comments or concerns about the proposed Project they were then asked to comment on.

R. The Applicant has proposed that the Project tie into the Town's municipal water system for drinking water and fire protection. The Applicant will irrigate any landscaped areas with its own on-site irrigation wells and not from municipal water.

S. This Board agrees that this Decision shall authorize the Applicant and serve as to permit the Project, as proposed and conditioned, to connect to said municipal water system by utilizing the connections and materials required by the Norwell Water Department and in accordance with the Norwell Water Department's best practices. The Applicant shall be required to pay in accordance with the rates in effect as of the date of the Applicant's filing with the Board all fees, assessments and expenses in accordance with the Norwell Water Department's then existing fee schedule.

T. The Applicant proposes to construct a subsurface sewage disposal system that will comply with Title 5 of the State Environmental Code and will dispose of less than 10,000 gallons per day from a maximum ninety 90 number of bedrooms or such lesser number as shown on the last revised Project Plans, whichever is lesser. The Applicant has agreed to apply to the Town of Norwell Board of Health, as the local approving authority under Title 5, for a conventional subsurface sewage disposal and will obtain the necessary Disposal Works Construction Permit under Title 5 from the Board of Health and pay for all fees, assessments and expenses in accordance with the rates in effect as of the date of the Applicant's filing with the Board.

U. The Applicant will file a Notice of Intent under the National Pollution Discharge Elimination System (NPDES) General Construction Permit program and obtain a NPDES permit prior to beginning any building construction on the Project. The Applicant shall also prepare a proposed Stormwater Pollution Prevention Plan (SWPPP) and submit the same with the Notice of Intent. Copies of both the NPDES Notice of Intent and the SWPP and any NPDES permit shall be submitted to the Board, the Board's peer review consultant, John Chessia, PE, and Building Inspector.

V. The Applicant submitted and the Norwell Fire Department has reviewed an emergency vehicle turning radius analysis prepared by the Applicant's engineering consultants. In an email to the Select Board dated March 9, 2021, Fire Chief Simpson stated that the Site Plans during the Project Eligibility Application process appeared to provide more than the minimum dimensions required for access and egress for the Town's fire apparatus. Chief Simpson stated that the Fire Department has no issues with the Applicant's proposed

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plan at the time. The Applicant's revised plans, as conditioned, continue to include emergency vehicle turning radius information demonstrating adequate fire and emergency vehicle access and egress.

- W. The maximum height of buildings in the applicable zoning districts is 2 ½ stories and 34 feet; and the interior Project buildings will be up to 3-stories in height and up to a maximum height of 43' feet.
- X. The Board finds that the Applicant or a related subsidiary or affiliate of the Applicant including a single purpose entity to be approved by MHP will enter into a Regulatory Agreement as required by MHP which will be recorded with the Plymouth County Registry of Deeds. A copy of the Regulatory Agreement shall be provided to the Board once finalized with the DHCD.
- Y. The approval of the Project, with the waivers and conditions hereinafter stated, is Consistent with Local Needs under Chapter 40B.

#### IV. VOTES OF THE BOARD

A quorum of the Board, consisting of Lois S. Barbour, Stephen H. Lynch and William J. Lazzaro being all of the voting members of the Board designated to hear and act upon this application, at the continued public hearing on December 20, 2021, made and voted upon the following actions based upon its findings delineated above and incorporated into and made a part of this decision.

1. Upon a motion made by Member Lynch and seconded by Member Lazzaro, Members Lynch, Lazzaro, and Barbour **VOTED** unanimously to act on and approve or deny Waivers as detailed in **Exhibit B**, attached to and made a part of this decision.
2. Upon a motion made by Member Lynch and seconded by Member Lazzaro, Members Lynch, Lazzaro, and Barbour **VOTED** unanimously to GRANT the application for a **Comprehensive Permit**, subject to the Conditions set forth below and included in **Exhibit C**, "Traffic and Pedestrian Safety Measures", and as provided in the Waivers delineated in **Exhibit B**, attached hereto.
3. Upon a motion made by Member Lazzaro and seconded by Member Lynch, Members Lazzaro, Lynch, and Barbour **VOTED** unanimously to close the public hearing.

This Decision, granting a Comprehensive Permit, shall act as a master permit that shall subsume all local permits and approvals normally issued by Local Boards, excepting for permits issued by Local Boards acting as the Local Approving Authority under state law, which shall continue to act consistent with that authority.



## V. CONDITIONS

Chapter 40B 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 valid health, safety, environmental, design, open space, and other local concerns. The Board finds that the proposed Project, subject to the conditions listed below and the Waivers detailed in **Exhibit B**, attached to and made a part hereof, is consistent with local needs and are consistent with the need for Affordable Housing in Norwell. The proposed project shall be constructed in accordance with the Plans, as amended through October 29, 2021, and as limited by the Conditions of this Decision. Any deviation from these Plans and the Conditions set forth in this Decision, except as described below, shall require a modification of this Comprehensive Permit, as set forth in 760 CMR 56.00 and applicable revisions thereto, and the Board's Rules, as may be amended from time to time.

In all Conditions where plans are to be submitted for review and approval (other than where the review and approval is being sought from a local board acting under state law and regulations) such review and approval shall be by the Board's peer review consultant and /or Building Inspector, and shall not require a public hearing, unless required under 760 CMR 56.05(11).

### A. Regulatory Conditions.

1. The subject property shall not be further developed, divided, subdivided, or modified nor shall additional dwelling units or bedrooms be added nor shall the exterior of any building be modified, other than as expressly allowed by this Comprehensive Permit, and shall be enforced by a deed restriction running with the land and duly recorded.
2. The provisions of this Comprehensive Permit shall be binding upon the Applicant's successors and assigns pursuant to 760 CMR 56.05 12 (b). Any change in financial interest and/or ownership and/or control of the Project must be approved in advance by the subsidizing agency with a copy of such approval sent to the Board pursuant to 760 CMR 56.05 12 (b).
3. Severability: 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.
4. The total number of units that may be constructed at the Property shall be limited to fifty-six (56) rental units, with twenty-eight (28) one-bedroom units, twenty-two (22) two-bedroom units and six (6) three-bedroom units, in ten (10) buildings. The total number of bedrooms for the proposed project is limited to

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ninety (90) bedrooms.

5. At least fourteen (14) of the fifty-six (56) rental units shall be and shall remain affordable in perpetuity and shall be leased to eligible households whose annual income does not exceed 80% of area median income, adjusted for household size, as determined by the United States Department of Housing and Urban Development ("Affordable Units"); the Affordable Units shall permanently remain affordable rental units so that the Affordable Units shall continue to serve the public purposes for which this Comprehensive Permit was authorized under Gen. L. c. 40B, §§ 20-23.
6. The Affordable Units shall be dispersed throughout the Project as designated by the Applicant by agreement with the subsidizing agency. The Affordable Units and the market-rate units shall be constructed on substantially the same schedule. The Affordable Units shall be indistinguishable as viewed from the exterior from the market-rate units regardless of any specific architectural differences between units as modified in the approved final plan set.
7. The Applicant shall execute a Regulatory Agreement as required under Gen. L. c. 40B and submit annual reports to the Subsidizing Agency in accordance with the Regulatory Agreement. The Affordable Units in the initial leasing of the Property shall be identified in a tenant location plan to be approved by the Subsidizing Agency and the Affordable Units shall not be segregated from the market rate units.
8. The Applicant shall annually re-certify to the Subsidizing Agency, in accordance with the requirements of the Subsidizing Agency, the continuing eligibility of any tenant in an affordable unit. If a previously eligible tenant becomes ineligible to occupy an affordable unit, the Applicant may charge the tenant a market rate rent; however, the Applicant shall comply with the Subsidizing Agency's requirements for converting another unit to an affordable unit.
9. While the Regulatory Agreement with MHP (or another Subsidizing Agency) is in effect, the Subsidizing Agency shall be responsible to monitor compliance with affordability requirements pursuant thereto; however, the Town may request and shall be provided by the Applicant with all information that is provided to the Subsidizing Agency in relation to enforcement of affordability provisions.
10. In the initial lease-up for the Project, and to the extent allowed under Gen. L. c. 40B and the regulations promulgated thereunder and other applicable law, and subject to approval by MHP, with respect to at least 70% of the affordable units, the Applicant shall provide a local preference category for residents of the Town of Norwell. "Residents of the Town of Norwell" shall, to the extent not otherwise prohibited or limited by the provisions of relevant governing regulations or requirements, include, but not limited to, the following: current

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Norwell residents; employees of both the Town of Norwell and Norwell Public Schools.

11. This preference shall be implemented by the Applicant and the Applicant shall maintain records of its marketing efforts, which records shall be open to review by the Town for compliance with the local preference set forth herein.
12. The foregoing local preference shall be implemented pursuant to procedures approved by the Subsidizing Agency. The costs associated with the marketing of units in the Project, including the advertising and processing for the Affordable Units shall be borne by the Applicant.
13. The Board acknowledges that it will be required to provide evidence satisfactory to the Subsidizing Agency of the need for the foregoing local preference and to obtain approval of the categories of persons qualifying for the same, and in no event shall the Applicant be in violation of the terms of this Comprehensive Permit to the extent the Subsidizing Agency disapproves the local preference requirement or any aspect thereof. The Applicant shall provide reasonable and timely assistance to the Town in providing this evidence. If the Board or its designee does not provide such information within sixty (60) days of a written request by the Applicant, its Lottery Agent, the Subsidizing Agency or DHCD, then this condition shall be void unless the Applicant has failed to provide reasonable and timely assistance as described above. It is acknowledged that the Norwell Community Housing Trust submitted a letter on December 13, 2021, that is intended to fulfill this requirement. If the Subsidizing Agency or DHCD requires supplemental information, the Board or its designee shall respond in a timely manner.
14. The Applicant shall submit to the Board a report on marketing activity at the Project during the initial lease-up of the Project demonstrating compliance with the local preference requirement pursuant to the plan approved by the subsidizing agency as set forth below.
15. The Applicant shall develop an Affirmative Fair Housing Marketing Plan ("AFHM Plan") for the Affordable Units for review and approval of the Subsidizing Agency, said plan to conform to any and all affirmative action requirements or other requirements as imposed by federal or state regulation and shall conform with the local preference requirement set forth above.
16. The Town, by and through the Board or its designee, shall have continuing jurisdiction over the Project to ensure compliance with the terms and conditions of this Decision.
17. Prior to receiving any building permit, the Applicant shall obtain Final Approval from the Subsidizing Agency pursuant to 760 CMR 56.04(7) and shall provide evidence of such Final Approval to the Building Inspector and the Board.

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18. The Applicant shall not use municipal potable water for the irrigation of the lawns, landscaped areas, and plantings.
19. The Applicant shall grant the Town of Norwell an easement shown on an easement plan to allow the public to use the sidewalk on the subject property.
20. The Applicant shall prepare an ANR plan which shall be endorsed by the Planning Board combining all lots into one lot.
21. All building foundations shall be constructed as slab on grade.
22. The final plans as revised shall address the issue raised by the Board's peer review consultant as to Catch Basin-7 (CB7).
23. The final Operations & Maintenance Plan shall be a separate document and shall include all of the data requested in the November 30, 2021, Peer Review Consultant's Letter.
24. Stormwater management details for the infiltration system components shall be site specific.
25. The Applicant shall submit to the Board's peer review consultant a complete storm sewer design calculations with a copy to the Board.

**B. Supplemental General Conditions: Background, Administrative and Procedural**

1. This Comprehensive Permit shall not take effect until recorded in the Plymouth County Registry of Deeds and no construction shall take place until the Applicant has provided proof of such recording to the Board and the Building Inspector.
2. Activation: 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:
  - a. of 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 a copy of the Site Layout Plan and Landscape Plan sheets from the approved Site Plan shall also be recorded with the Plymouth Registry of Deeds. The Applicant shall provide the Board and the Building Inspector with documentation (book and page) of the filing or a copy of the decision and plans with all recording information stamped thereon
3. Appeals: 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.

4. The Applicant shall provide the Town and its agents, servants and employees with authority to enter the subject property during construction of the Project (subject to conformance with applicable health and safety requirements, including, but not limited to hard-hat, safety glasses, work boot requirements, and COVID-19 protocols, if applicable), with prior notice to Applicant in order to determine conformance with this Decision. Anything herein to the contrary, the Town and its agents, servants and employees may enter the subject property at any time in the event of any emergency or in furtherance of its right to maintain, repair or replace the drainage pipe shown on the drainage plan referenced herein.
5. Escrow: The Applicant shall pay through an escrow account established through the Town for the purposes of funding all reasonable fees imposed for the purpose of review and approval of the final set of Site and Engineering Plan, inspecting and monitoring the compliance of the Project's construction with the terms of this permit, local bylaw requirements not waived by this permit, and other permits and approvals issued with respect to this Project for which the Town has monitoring responsibility. All fees for Board consultants including fees incurred prior to the date of this decision shall be paid by the Applicant within 30 days of the receipt by the Applicant of the consultant's bill for services. Any outstanding fees owed for consulting services incurred by the Board before this decision was rendered shall be paid forthwith and before any building permit issues. Thereafter, no occupancy permit shall issue if an outstanding fee bill is 30 days overdue.
6. This Comprehensive Permit shall expire three (3) years from the date it becomes final as provided in 760 CMR 56.05(12)(c), unless construction on the Project has commenced within such period and is proceeding with reasonable commercial diligence. For the purposes hereof, "construction" shall mean the site work for the project infrastructure, which may commence prior to issuance of a Building Permit for the Project. The Applicant may apply to the Board for reasonable extensions to this Comprehensive Permit for good cause in accordance with the applicable provisions of 760 CMR 56.00.
7. The Applicant shall comply with all local by-laws, rules, and regulations of the Town of Norwell, unless expressly waived hereunder.
8. The Project shall conform to all applicable state and federal laws, codes, and regulations.
9. The Project shall be constructed and operated in accordance with the terms and conditions of this Comprehensive Permit. Minor deviation or changes to the Plans (e.g., changes that do not materially affect the location of, or increase the height or massing of the structures, or increase the number of units contained in the residential buildings) shall be submitted to the Board's peer review consultant and Building Inspector who shall have the authority to

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2021 DEC 23 PM 3:49

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approve such changes as immaterial changes. The Board shall require minor deviation or changes to be approved within thirty (30) days. If the Board's peer review consultant or Building Inspector determine that the proposed changes do not conform in all material respects to the requirements of this comprehensive permit, s/he shall so notify the Applicant and the Applicant shall either bring the plans into conformance with this decision or seek modification in accordance with 760 CMR 56.07(11).

10. The Project may be constructed in Phases, with one or more than one building being constructed at any one time in the sole discretion of the Applicant; provided, however, that prior to receiving a Certificate of Occupancy for any building or for any unit in a building, all infrastructure required to service such building, including without limitation, all utilities, the stormwater management system, and subsurface sewage disposal system shall be completed and all internal access and parking areas shall be substantially completed, with at least the binder course of pavement.

**C. Prior to Site Construction Conditions & Continuing Construction Conditions**

1. Prior to the start of any site work or construction, the Applicant shall provide to the Board for review and approval by the Board's civil engineering peer review consultant:
  - a. a final set of Site and Engineering Plans, which shall include but not be limited to the stormwater plans and calculations (the "Final Site Plans") for review by the Board's civil engineering peer review consultant to ensure consistency with the approved plans and this Decision. The Board shall require the final set of Site and Engineering Plans to be reviewed and approved within thirty (30) days from the date of submission.
  - b. a copy of the NPDES Notice of Intent;
  - c. a Construction Management Plan, which will include a construction schedule;
  - d. a copy of the Stormwater Management Operation and Maintenance Plan;
  - e. details of any temporary construction signs; and
  - f. a sum of money to be placed in escrow sufficient to fund the projected cost of the Board's peer review consultant's review and approval of the final set of Site and Engineering Plans and related documents, testing, site inspections, construction monitoring and any environmental monitoring consistent with the Board's rules and regulations; and
  - g. written documentation showing that the project meets Water Department standards for materials and methods



2. At least one week prior to beginning any land disturbance activities authorized under this Decision, the Applicant will conduct an on-site inspection with the Town's civil engineering peer review consultant/project monitor to observe the erosion controls installed at the site and review the erosion controls anticipated to be employed during construction. It is understood and agreed that any soil remediation on the subject property, if any, is not subject to this Decision and may be conducted at any time, subject to compliance with any applicable state regulations and under the supervision of an LSP engaged by the Applicant and likewise, the demolition of the existing houses on the Property may take place at any time, subject to paying for obtaining a Demolition Permit or Permits for same from the Norwell Building Department.
3. No exterior work including equipment startup or delivery truck idling shall be allowed except in compliance with the limitations set forth herein. There shall be no construction on the project site 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 project site on Sundays or the following legal holidays: New Year's Day, President's Day, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas. Exceptions may be granted by the Board upon request of the applicant and the Board may designate an agent to authorize temporary exceptions until the request can be deliberated by the Board. The Applicant agrees that the days and hours of operation shall be enforceable by the Building Inspector.
4. Prior to starting any construction activities authorized under this Decision ("Authorized Activity"), the Applicant and the general contractor shall hold a pre-construction meeting with the Board's civil engineering peer review consultant who shall serve as the project monitor, Building Inspector, the Police and Fire Chiefs and the Highway Surveyor.
5. Prior to starting any Authorized Activity, the Applicant shall provide to the Board, the Board's civil engineering peer review consultant, and Building Inspector:
  - a. the company affiliation, name, address, and business and personal cellphone number of the construction superintendent who shall have overall responsibility for construction activities on site and shall be reachable at any time in the case of an emergency;
  - b. a copy of a municipal lien certificate indicating that all taxes, assessments, and charges due on the Property have been paid;
  - c. certification under oath from the Applicant that all required federal, state, and local licenses and permits have been obtained;

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- d. proof that "Dig-Safe" has been notified at least 72 hours prior to the start of any site work; and
  - e. proof that street signage is in place to ensure that emergency personnel can locate the site to provide emergency services to protect and secure the site and construction personnel.
6. During construction, at the end of each workday, the Applicant shall cause all erosion control measures to be in place and shall cause all materials and equipment to be secured. Upon completion of all work on site and prior to As-Built approval, all debris and construction materials shall be removed and disposed of in accordance with state laws and regulations and the Board shall be notified in writing of the final disposition of the materials.
  7. The Applicant shall keep the subject property clean and free of waste and debris during construction. Upon completion of all work on the project 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 location of the final disposition of the materials.
  8. Blasting, if any, shall be performed in accordance with state laws and regulations and also in a manner approved by the Fire Department and Building Department so as to prevent injury or property damage to the residents of the Town and proper evidence of sufficient insurance shall be provided to the Building Inspector before blasting begins.
  9. No stumps or construction debris shall be buried or disposed of at the subject property and shall be disposed of properly off-site in a location that is properly licensed and approved to receive such materials. The Applicant shall notify the Board in writing of the location of final disposition of the materials.
  10. The Applicant may locate temporary construction and/or marketing trailers on the subject property for no more than three (3) years from the date of this approval for construction and/or marketing needs. The Building Inspector shall be responsible for approving the location and issuing any permits or approvals associated herewith.
  11. There shall be no construction parking associated with the proposed Project on any public way. High Street shall not be blocked or restricted by construction activities or equipment, except during the installation of utilities required for the Project.
  12. The Applicant shall ensure that all construction activities on the project site are conducted by skilled and licensed personnel in a workmanlike manner.
  13. Earth Removal and Stockpiles: Prior to any earth removal, the Applicant shall demonstrate to the satisfaction of the Board that the project site is in

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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 Board's Rules.

14. Any soil or earth material brought onto the project site or excavated on the project site and proposed for reuse on-site shall be subject to review by the Board's peer review consultant.
15. Truck Traffic: Construction access and truck routes shall comply with requirements of the Norwell Police Department.
16. On-Site Roadway Access: Once paved, all on-site ways ("Roads") shall be kept clear of obstructions and passable at all times. Equipment may be parked within an on-site road during construction, provided that such drive remains passable by emergency response equipment. No refuse containers, trailers or construction materials of any kind shall be placed or stored thereon.
17. Fencing: Temporary construction fencing shall be provided for work areas where required by the Board's peer review consultant and Building Inspector.
18. Hazardous Materials: There shall be no use or storage of hazardous materials in amounts greater than associated with normal to household use during construction.
19. Best Management Practices: The applicant shall demonstrate that accepted Best Management Practices (BMPs) are to be utilized in all phases of construction.
20. Noise, Vibration, Dust, And Sedimentation: Construction noise and vibration and construction dust and sedimentation shall be minimized to the maximum extent practicable.
21. Applicable Laws: 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.
22. Erosion and Sedimentation Controls: Erosion and sedimentation controls shall be provided in accordance with the approved plans, the NPDES Construction General Permit (CGP) and good engineering practice.
  - a. Erosion controls shall be installed prior to any other construction activity.
  - b. Erosion controls be increased, supplemented, modified, adjusted, and maintained as required to effectively control sediment and erosion and minimize damage to wetlands and developed properties.

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- c. High Street shall be swept, as necessary, in order to remove sediment and debris prior to full site stabilization.
- d. All erosion control devices on the project site shall remain in place and shall 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 Board or its designee shall authorize removal, whichever occurs first.

**D. Prior to Building Construction Conditions**

- 1. Prior to the start of construction of any building, permits for which may be applied for on a building-by-building basis, the Applicant shall provide to the Building Inspector, Board's peer review consultant, and the Board:
  - a. Final architectural plans for said building (the "Final Architectural Plans") to confirm the consistency of such plans with the terms and conditions of this Decision.
  - b. Final construction plans with the sizing of gutters, downspouts, and roof drain piping shall be provided to the Board's civil engineering peer review consultant for review and approval prior to the issuance of any building permit.
- 2. The Applicant must install sprinklers and fire alarms to the extent and in the manner required by the Massachusetts' building and fire codes and by Massachusetts law. The Applicant shall submit final fire alarm/sprinkler plans to the Norwell Fire Department for review and approval prior to the issuance of a building permit for any building.
- 3. The Applicant shall equip each unit with water saving plumbing fixtures in every bathroom, kitchen, and laundry area, and all underground water pipes shall have water-tight joints. The plumbing fixtures shall be documented on the Final Architectural Plans.

**E. Prior to Issuance of First Certificate of Occupancy Conditions**

The following conditions must be met before the first Certificate of Occupancy is issued:

- 1. All water, wastewater and stormwater infrastructure and installation of at least the binder course of pavement for all site driveways and parking areas shall be in place and fully operational.
- 2. To the extent that landscaping or final coat of paving is not completed for a particular building prior to the issuance of a Certificate of Occupancy for such building or for a unit in such building, such Certificate of Occupancy may be issued provided that the Applicant provides the Town with a cash or other surety (including a bond, a letter of credit, and/or a tri-party agreement)



between the Applicant, the Board, and the construction lender, in an amount to be determined by the Board in consultation with and the Board's civil engineering peer review consultant based upon the Applicant's reasonable estimate of the costs, with an appropriate contingency, to complete such landscaping work and/or final coat of paving for the building or buildings in question, which such surety shall be released to Applicant upon completion of same. The Applicant shall provide a one (1)-year guarantee on all landscape and plant material such that the Applicant will replace any tree or shrub or other related improvement that dies within this time period.

3. Applicant shall obtain approval from the Town of Norwell Postmaster of the centralized location for mailboxes and parcel boxes.
4. The Applicant shall provide an Illicit Discharge Statement signed by the Owner to the Board's peer review consultant.

**F. Prior to Issuance of Final Certificate of Occupancy Conditions**

The following conditions must be met before the final Certificate of Occupancy is issued:

1. All utilities within the Property shall be installed underground (with the exception of junction boxes, transformers, and similar appurtenances) by the Applicant with using methods standard to those installations. Utilities shall be defined as electric service lines, gas service, telephone lines, water service lines, cable TV lines, municipal conduit, and the like.
2. The interior and exterior of all buildings and structures shall be constructed substantially as represented in the Final Architectural Plans.
3. The Project shall be serviced by municipal water, and this Decision shall constitute the necessary permission for Applicant to connect to the municipal system, subject to determination by the Norwell Water Department that the applicable technical requirements have been satisfied and payment of all costs, expenses and fees in accordance with any such fees, assessments and costs in accordance with the schedule of fees, assessments and costs in effect as of the date of application for this Comprehensive Permit.
4. The installation of the final course of pavement for all site driveways and parking areas shall be in place and fully operational.
5. All exterior lighting for the Project shall be Dark Sky compliant with all site lighting contained within the boundaries of the property as shown on the Final Site Plans.
6. All utility work and other roadwork within any public right of way shall be performed and conducted in conformance with the rules and regulations of the Town. Upon payment of any required fees to the Highway Surveyor, this Comprehensive Permit shall constitute the necessary street opening permit

for any town owned streets. Contractors shall be duly licensed as required by the Town of Norwell and Commonwealth of Massachusetts. All such work shall be performed in accordance with current engineering and construction standards.

7. The Applicant shall install fencing along the property lines as shown on the approved Plans.
8. The fire hydrant(s) shall be installed as shown on the final Site and Engineering Plans and shall be operational.
9. The Applicant shall implement the traffic and pedestrian safety measures described in Exhibit C hereto which the Board has expressly approved.
10. An affidavit from a registered Landscape Architect or Professional Engineer that the landscaping substantially complies with the Landscaping Plan.

**G. Post Occupancy Conditions**

1. As-Built Survey – General: Upon completion of construction of the project infrastructure [including but not limited to the drives (“roads”) and stormwater and wastewater systems], the applicant shall engage a Professional Land Surveyor, Landscape Architect, 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. Three (3) paper copies and an electronic copy in AutoCAD format shall be submitted. The Applicant’s Professional Land Surveyor, Registered Landscape Architect, and Professional Engineer shall provide a final certification under his/her/their signature and seal, stating that the construction substantially conforms to the approved Final Site Development Plans, and this Decision or alternatively to identify all deviations from the approved plans and the Decision. The As-Built plan is subject to review by the Board’s peer review consultant.
2. Interim As-Built Foundation Survey: An as-built foundation survey shall be provided for each unit foundation demonstrating that each foundation conforms to the approved plans.
3. All on-site structures and on-site improvements site shall remain private in perpetuity, including any and all ways, parking areas, street lighting, drainage, buildings, sewer and water infrastructure and the Applicant shall bear the cost of maintenance, repairs, replacement, snow plowing and trash removal for same in perpetuity.
4. The Applicant shall provide property management during normal week-day business hours as well as an emergency telephone number for tenants to contact management that is available by phone 24/7. In the event the Applicant engages a management company, the Applicant shall post the name and

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telephone number of the management company at the subject property.

5. Fertilizer, pesticide, and herbicide use shall be minimized to the extent consistent with good landscape maintenance practice.
6. Only calcium-based de-icer materials shall be used on the vehicular and sidewalk areas.
7. All catch basins shall be cleaned at the end of construction. Thereafter, the Applicant and/or Applicant's successor shall be responsible for maintaining the site's stormwater management system in accordance with the Operations and Maintenance Plan described above.
8. The Applicant shall be permanently responsible for operation and maintenance of the following at the Project:
  - a. All internal roadways, walkways, and parking areas;
  - b. Snow removal;
  - c. Landscaping and landscape maintenance; including removal and replacement of any trees planted at the southern boundary near the drainage pipe in the event of drainage pipe repair, failure and /or replacement
  - d. Trash removal;
  - e. Water systems including domestic use and fire protection, including hydrants;
  - f. Wastewater infrastructure including septic system;
  - g. Stormwater Management System including underground facility; and
  - h. Exterior site lighting.
9. Any Permit granted hereunder is granted to the Applicant and may not be transferred or assigned to any party without the approval of the Subsidizing Agency and notice to the Board, as required by 760 CMR 56.05(12)(b), except to an affiliate of the Applicant.
10. Except for de minimus changes approved by the Board's peer review consultant and/or Building Inspector as provided in Condition B.9 above, any changes to the Project after issuance of this Decision shall be reviewed and decided by the Board in accordance with 760 CMR 56.05 (11).
11. The Applicant shall protect adjoining properties from damage due to construction attributable to the project site including public utilities, sanitary,

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water and storm drainage systems and other utilities from the project site. Applicant shall repair any damage immediately at no additional cost to the Town or the abutter.

12. The Applicant shall be responsible for accomplishing the required construction work on the project in such a manner as to effectively minimize and control any water pollution, which might be caused by soil erosion from the project. It is intended that these features be maintained in appropriate functional condition from initial construction stages to final completion of the Project. The contractor shall be additionally responsible for conformance with local, state, and federal soil erosion and siltation controls.
13. There shall be no conversion of interior space into additional bedrooms (i.e., the Project's total bedroom count shall not exceed that outlined in Section V, Paragraph A (4) above.

#### VI. WAIVERS:

- A. As delineated in **Exhibit B**, the Board grants such waivers as requested by the Applicant only to the following sections of the *Norwell Zoning Bylaw, Rules and Regulations of the Norwell Planning Board (adopted May 20, 2006)*, the *Norwell Board of Health Regulations*, the *Town of Norwell Bylaws and Rules and Regulations*, and the *Rules and Regulations of the Board of Appeals* to the extent necessary to ensure that the proposed project is constructed in accordance with the final set of Site and Engineering Plans. If any waiver is in conflict with a specific Condition of the Comprehensive Permit, the Condition shall apply.
- B. Waivers from any and all Town of Norwell rules, regulations, and/or bylaws not specifically listed in **Exhibit B**, attached to and incorporated as part of this decision, are hereby denied.


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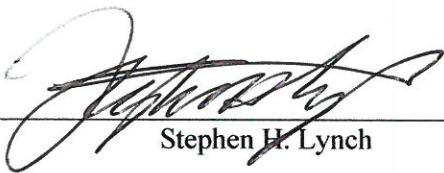


  
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Lois S. Barbour

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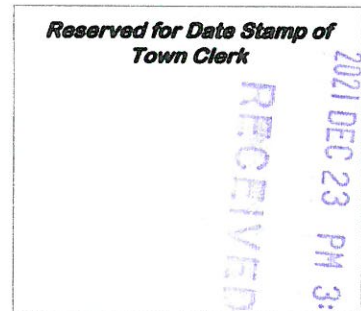
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Stephen H. Lynch

12/23/21  
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Date

Date Filed with Office of the Town Clerk

Date Sent to the Applicant \_\_\_\_\_



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## EXHIBIT A: File Inventory for Comprehensive Permit Decision Northland Residential Corporation – 15 High Street, Norwell

*N.B. Although care has been taken to ensure all documents received in the course of this public hearing are included on this list, this Exhibit A is not represented to include all documentation, communications, or information submitted in the course of the public hearing, but to serve as a convenient reference.*

### ORIGINAL APPLICATION:

- 05 04 21      **Original Application Packet** with formal application request under MGL c. 40B, §§ 20-23, stamped by Norwell Town Clerk on May 4, 2021, including the following documentation:
1. Comprehensive Permit Application date-stamped by the Board of Appeals and the Town Clerk on 5/4/2021.
  2. Massachusetts Housing Partnership Project Eligibility Letter, dated April 21, 2021, to John C. Dawley, President and CEO, Northland Residential Corporation, signed by Danielle J. Kinkel, General Counsel, approving fifty-six (56) rental housing units, including 28 one-bedroom units, 22 two-bedroom units and 6 three-bedroom units.
  3. Civil, Landscape, & Lighting Drawings dated January 29, 2021 and revised April 30, 2021, consisting of:
    - C1.1 Cover and Index showing a Vicinity Map
    - C2.1 Existing Conditions Plan
    - C3.1 Site Layout Plan
    - C4.1 Grading and Drainage Plan
    - C5.1 Utility Plan
    - C6.1-C6.1 Construction Details
    - L-1.0 Street Tree & Landscape Plan dated 4.3.2021
    - Site Lighting Plan dated 3.31.21(not listed on cover page)
  4. Project Eligibility Application submitted to Massachusetts Housing Partnership dated January 29, 2021, including:
    - Experience of Sponsor
    - Outline of Development Team
    - Fair Housing Experience
    - Prior Permitting Experience at Site
    - Waivers requested
    - Locus Maps & Directions to Site
    - Tax Map & Property Cards
    - Site Photographs
    - Architecture Plan Set, entitled “15 High Street, Norwell, MA Schematic Architecture Package dated January 29, 2021, prepared by Union Studio Architecture & Community Design of 140 Union Street, Providence, RI 02903, consisting of 24 pages including:
      - Illustrative Site Plan
      - Elevation Plans for all buildings
      - Layout Plans for all buildings and units
  5. Project Narratives:
    - Narrative of Site Characteristics
    - Architectural Design Narrative prepared by Jeremy R. Lake at Union Studio

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6. Environmental Site Assessment submitted by BETA Group, Inc, submitted to John C. Dawley on August 5, 2020.
  7. Evidence of Site Control
    - Purchase and Sale Agreement
    - Municipal Actions-Contact with Municipality
  8. Market Rent Comparables
  9. Operating Budget
  10. Development Budget
  11. Letter of Interest from Bank
  12. Municipal Actions
  13. Copy of Application Fees
  14. Stormwater Management Report, Construction Phase Operation & Maintenance Plan, Long-Term Pollution Prevention Plan and Operation and Maintenance Plan, dated April 30, 2021 by Merrill Engineers and Land Surveyors
  15. Tabulation of Proposed Buildings
  16. Transportation Impact Assessment
  17. Waiver List
  18. Abutters List
  19. Filing Fees
- 05 04 2021      15 High Street Site Plans- dated January 29, 2021, latest revision 4.30.2021
- C1.1 Cover and Index showing a Vicinity Map
  - C2.1 Existing Conditions Plan
  - C3.1 Site Layout Plan
  - C4.1 Grading and Drainage Plan
  - C5.1 Utility Plan
  - C6.1-C6.1 Construction Details
  - L-1.0 Street Tree & Landscape Plan dated 4.3.2021
  - Site Lighting Plan dated 3.31.21
- 05 04 2021      Architecture Plan Set, entitled “15 High Street, Norwell, MA Schematic Architecture Package dated January 29, 2021, prepared by Union Studio Architecture & Community Design of 140 Union Street, Providence, RI 02903, Consisting of 24 pages including
- Illustrative Site Plan
  - Elevation Plans for all buildings
  - Layout Plans for all buildings and units
- 05 04 2021      Transportation Impact Assessment Appendix
- Site Plan
  - Turning Movement Counts
  - Vehicle Travel Speed Measurements
  - Traffic Adjustments
  - Public Transportation Schedules
  - Motor Vehicle Crash Data
  - Growth Rate Calculations
  - General Background
  - US Census

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- Trip Distribution-Journey to Work Data
- Trip Generation
- Capacity Analysis

- 05 04 2021      Stormwater Management Appendix Drainage Calculations
- Existing Conditions Model
  - Proposed Conditions Model
  - Supplemental Drainage Calculations
    - Groundwater Recharge Volume
    - Infiltration System Drawdown
    - Water Quality Volume
    - TSS Removal Rate
    - Closed Drainage System Sizing
  - Soil Testing Results
- 05 04 2021      Cut and Fill Calculations-Plan dated January 29, 2021, completed by Merrill Engineers and Land Surveyors
- 03 31 2021      Independent Design Review for Project Eligibility Letter, submitted by Richard P. Fenuccio, Architect, d/b/a ClearPath Advisors LLC, 30 Morgan Way, West Barnstable, MA 02668
- 11 05 21      Applicant's attorney extension letter to December 28, 2021, for extended time in which to file the Board's decision

**WORKING GROUPS**

- 09 17 21      Town Traffic Working Group Meeting
- 10 14 21      Traffic Working Group with Applicant Meeting Notes
- 10 18 21      Architectural Working Group Meeting

**SUPPLEMENTAL PLANS, DOCUMENTS, and REPORTS:**

- 06 02 21      Applicant PP Meeting Presentation 1 Project Overview
- 07 07 21      Applicant PP Meeting Presentation 2 Architecturals
- 07 26 21      Scope of Services proposed contract from Davis Square Architects, as signed by the Town Administrator on 8/31/2021
- 07 12 21      Civil Peer Review of Comprehensive Permit application, prepared by Chessia Consulting Services
- 08 04 21      Applicant PP Meeting Presentation 3 Stormwater Utilities

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09 09 21	Applicant PP Meeting Presentation 4 Traffic
10 12 21	Applicant's response to Chessia Consulting Services' Civil Peer Review Report, dated July 12, 2021
10 18 21	Architectural Working Group meeting with Applicant notes
10 18 21	Applicant PP Meeting Presentation 5 Traffic Supplemental
11 30 21	Peer Review Civil 2: Chessia Consulting Services
12 03 21	Applicant's response to Chessia Consulting Services' Civil Engineering Peer Review Report 2 with Stormwater Response Checklist
07 26 21	Traffic Impact Assessment Peer Review prepared by CHA Consulting dated 7/26/2021
09 17 21	Town Comments: Working Group on Traffic
10 12 21	Applicant's response to Zoning Board of Appeals Traffic Working Group, provided by Vanasse & Associates Inc dated 10/12/2021 (38 pages)
10 12 21	Applicant response to Peer Review Traffic Comments provided by Vanasse & Associates Inc dated 10/12/2021 (65 pages)
10 12 21	Applicant's response to Public Comments from Zoning Board of Appeals Meetings, provided by Vanasse & Associates Inc, dated 10/12/2021 (38 pages)
10 14 21	Traffic Working Group Meeting with Applicant
10 29 21	Applicant Site Plan Updates and Schematic Architecture Package dated October 29, 2021
11 10 21	Applicant Utility Plan Sheet C5.1, dated January 29, 2021, as revised October 29, 2021, showing irrigation well location
11 10 21	Applicant Site Plan Sheet C3.3, dated January 29, 2021, as revised October 29, 2021, showing Driveway Sight Distances
12 15 21	Waiver List-originally submitted on April 30, 2021. Amended November 24, December 3 and December 14, 2021.

**MEETING MINUTES (all meetings held at Town Hall televised on cable channels and with Zoom option, except for the opening public hearing as noted below)**

06 02 21	Opening of Public Hearing at Norwell Middle School
07 07 21	Continued Public Hearing
08 04 21	Continued Public Hearing
09 09 21	Continued Public Hearing

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09 28 21	Continued Public Hearing
10 18 21	Continued Public Hearing
11 10 21	Continued Public Hearing
12 06 21	Continued Public Hearing
12 13 21	Not available at the time the public hearing was closed
12 20 21	Not available at the time the public hearing was closed

**VIDEO RECORDINGS – Harbor Media**

07 07 21	Continued Public Hearing
08 04 21	Continued Public Hearing
09 09 21	Continued Public Hearing
09 28 21	Continued Public Hearing
10 18 21	Continued Public Hearing
11 10 21	Continued Public Hearing
12 06 21	Continued Public Hearing
12 13 21	Continued Public Hearing
12 20 21	Voted separately to approve waivers as agreed, application with conditions per drafts and discussion, and close public hearing

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**TOWN BOARDS AND DEPARTMENTS**

03 15 21	<b>Select Board</b> (project eligibility application response): Letter from Ellen H. Allen, Chair, Board of Selectman, to Katy Lacy, Senior Planner at Mass Housing Partnership, outlining comments from various town departments after a site visit with representatives from the Town and Northland Residential Corporation on Feb 25, 2021.
08 01 21	<b>Board of Health</b> email with no comments at this time
11 3 21	<b>Board of Health</b> supplemental comment letter
07 26 21	<b>Water Department:</b> Superintendent comments on utility plan, water demands, and other issues
11 18 21	<b>Water Department:</b> NWD submitted material data sheet
07 29 21	<b>Conservation Commission:</b> no comments or concerns at this time.
08 10 21	<b>Highway Department:</b> Comments relating to existing drainage easement
12 06 21	<b>Highway Department:</b> Comments recommending planting scheme
08 31 21	<b>Fire Chief:</b> Letter expressing concerns regarding yard hydrants and sprinklers.
09 01 21	<b>Police Chief:</b> Letter expressing traffic concerns
09 22 21	<b>Community Housing Trust:</b> commented on local preference and requirements.



12 13 21      **Community Housing Trust:** Support for a local preference condition

**PUBLIC COMMENTS**

06 05 21      Linda and Paul Savoy of 32 Ridge Hill Road expressing water and traffic concerns

07 30 21      Linda and Paul Savoy of 32 Ridge Hill Road additional comments

08 11 21      Rose A Fenek of 146 High Street in opposition of project

08 30 21      Bonnie Holmes of 122 High Street expressing water pressure concerns

08 30 21      Olivia and Kevin Roberts of 105 High Street, in a letter to the Water Department expressing water pressure concerns.

09 13 21      Olivia Roberts of 105 High Street expressing water pressure and hydrant concerns

09 17 21      Olivia Roberts of 105 High Street in reply to Water Department about water pressure concerns

09 17 21      Alison Sheehan Carrasquillo of 119 High Street to Water Department requesting to test water pressure

09 19 21      Bonnie Holmes of 122 High Street replying to Water Department with water pressure concerns

09 26 21      Olivia & Ken Roberts, Lin & Paul Savoy, listing multiple concerns regarding 15 High Street

09 27 21      Letter from Olivia & Ken Roberts, Lin & Paul Savoy, Kim & Matt Zayotti, Kristyn & Donald Therrien, Bonnie & Randy Holmes, Joy & Bill Lavery, Alison & Mark Carrasquillo, Louise Painter & Jeffrey Keller, Colleen & Dave Doyle, Kelly & Tony DeCouto, Connie & Rich Puricelli, Rose Feneck, Charles Harkins, Marybeth Murphy listing multiple concerns regarding 15 High Street

10 12 21      Kevin & Marjorie Dorney of 66 Ridge Hill Road, in a letter to the ZBA with concerns and opposition to the 15 High Street project

12 16 21      Paul Savoy of 32 Ridge Hill Road additional comments

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**15 High Street, Norwell MA**  
**Comprehensive Permit Application**  
**Exhibit B: Waiver List**

*(Originally submitted on April 30, 2021. Amended on November 24, 2021, December 3, 2021, December 14, 2021, and Approved December 20, 2021)*

The Applicant requests that the Board issue a Comprehensive Permit for the Project as shown on the proposed plans submitted herewith ("Plans"), in lieu of any requirement that the Applicant apply separately to any Local Board for a local permit. Under 760 CMR 56.02, the term "Local Board" means any local board or official, including, but not limited to, any board of survey, board of health, planning board, conservation commission, historical commission, water, sewer or other type of board, department, commission or district, ; and any fire, police, traffic, or other department, building inspector or similar official or board, and any select board or any other board that performs functions usually performed by locally created boards. Waivers from the Local Requirements and Regulations shall be acted upon accordingly by the ZBA, so that the Applicant need not make separate applications to the individual Local Boards. Under MGL c.40B, the comprehensive permit acts as a master permit for all local action.

The Applicant will comply with all technical local requirements related to the municipal water and sewer systems unless a specific waiver is requested and granted. The Applicant requests waivers for the Project from otherwise applicable local building permit, water and septic fees for the affordable units. The Applicant hereby requests waivers to allow the structure and uses shown on the Plans and request waivers from the ZBL for the Project from the following Local Requirements and Regulations and requests that all of the waivers identified herein be granted.

Please note that, as provided for under 760 CMR 56.05(7), the Applicant seeks waivers **only** from the "as-of-right" zoning requirements set forth in the Norwell Zoning By-law ("ZBL") as set forth below; and, the Applicant notes and emphasizes that no waiver is needed (or sought) from any special permit requirement set forth under the Zoning Bylaws because 760 CMR §56.05(7) expressly provides that: "Zoning waivers are required solely from the "as of right" requirements of the zoning district where the project site is located; there shall be no requirement to obtain waivers from the special permit requirements of the district."

<i>Waiver #</i>	<i>Local Regulation</i>	<i>Description of Regulation</i>	<i>Applicant Request</i>	<i>Board Decision</i>
<b>Division 2, Part IV, Chapter 61: Conservation Commission</b>				
1	§ 61-1 thru 15	Wetlands Protection.	Waive to the extent required to construct the project as shown on the plans. The project will comply with MA Wetlands Protection Act and MADEP Regulations 310 CMR 10.	As there are no jurisdictional wetlands per the Conservation Commission's 7/29/21 letter, this waiver is not applicable and is therefore denied as moot.
<b>Division 2, Part IV, Chapter 62: Soil, Loam, Sand, or Gravel Removal</b>				
2	§ 62	Soil, Loam, Sand, or Gravel Removal.	Waive all applicable soil, loam, sand, or gravel removal regulations.	Based on the plans submitted and the limited topographical cuts required for construction of the project as proposed, this waiver is granted.



Division 2, Part V, Chapter 82: Scenic Roads				
3	§ 82	Scenic Roads.	Waive all applicable Scenic Roads regulations. Chapter 82, Scenic Roads, is a local bylaw promulgated and administered by the Town of Norwell Planning Board pursuant to M.G.L. c. 40, § 15C (the Scenic Roads Act). As such, the Planning Board is a “local board” under Chapter 40B, just as it is in connection with Subdivision Rules and Regulations that it promulgates and administers pursuant to M.G.L. c. 41, § 81A, et. seq. (the Subdivision Control Law).	Waiver is granted, as the Board of Appeals acts as a “local board”. See <u>Dennis Housing Corp. v. Dennis Zoning Board of Appeals</u> , 439 Mass. 71 (2003).
Division 3, Chapter 201: Zoning				
4	§ 201-8	District Use Regulations.	Allow multi-family residential use and appurtenant uses as shown on the Plans.	Waiver is granted in order to permit construction of multi-building rental units, as shown on the approved plans and modified by the Conditions of Approval.
5	§ 201-9.4	Required yards.	Allow front-yard setback of 25' rather than 50'. Allow rear-yard setback of 17' rather than 20'. Allow side-yard setback of 9' rather than 10' on northern property line.	Waiver is granted to allow construction of the proposed project in accordance with the approved plans.
6	§ 201-9.6	Height restrictions.	Allow 3 stories and 43' height rather than 2-1/2 stories and 34' height.	Waiver is granted to allow construction of the proposed project in accordance with the approved plans.
7	§ 201-10.1	Building coverage.	Allow 23.4% building coverage rather than 18% building coverage.	Waiver is granted to allow construction of the proposed project in accordance the approved plans.

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Division 3, Chapter 201: Zoning				
8	§ 201-13.1	District boundary buffers.	Waive all district boundary buffer regulations.	Waiver is granted to allow construction of the proposed project in accordance with the approved plans.
9	§ 201-14.5 thru 14.7	Signs: General provisions.	Waive requirement that lots in B and C districts contain no more than one freestanding sign with an area not to exceed 50 square feet. The Project's proposed design contains one sign at each of the two entrances. Neither of these signs will exceed 24 square feet in area, or said differently, the combined size of the two signs will not exceed the underlying limit of 50 square feet.	Waiver is granted to allow one sign at each of the two entrances not to exceed twenty-four (24) square feet each; Applicant will obtain approval from the Board's peer review consultant for the location of one temporary construction sign not to exceed twenty-four (24) square feet.
10	§ 201-15	Building Demolition.	Waive Building Demolition provisions as required to prevent the property or any existing building on it from being deemed historically significant.	Waiver is granted, as no existing building has been identified by the Historical Commission to be historically significant.
11	§ 201-19	Aquifer Protection District.	Provide relief from § 201-19.7 for rendering the proposed impervious surface over 50% of the total land area and § 201-19.8 for design and operation guidelines for all runoff from impervious surfaces are to be recharged on site. A small portion of the impervious surface is not recharged on site, but the overall site meets, or reduces the peak rate and volume of water for all storm events as required at all design points.	Waiver is granted to allow construction of the proposed project in accordance with the approved plans.

2021 DEC 23 PM 3:00

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Division 4, Chapter 301: Board of Appeals Rules & Regulations				
12	§ 301-10.2	Definition of the term "Local Board".	Make consistent with 760 CMR 56.01, so that the term includes any Local Board omitted from the list in the Board's regulations.	Waiver is granted to allow construction of the proposed project in accordance with the approved plans.
13	§ 301-10.3	Minimum jurisdictional requirements for filing an application.	Waive to the extent that the requirements are inconsistent with 760 CMR 56.00, including 760 CMR 56.04, which provides that eligibility to file a comprehensive permit application is established by issuance of the Project Eligibility Letter.	Waiver is granted to allow construction of the proposed project in accordance with the approved plans.
14	§ 301-10.4 (D)	Elements of complete application: bedroom count.	Waive to the extent that the inclusion of dens in the bedroom count increases the impact that any Local Requirement or Regulation has on the project.	Waiver is granted to allow construction of the proposed project in accordance with the approved plans.
15	§ 301-10.4 (K)	Elements of complete application: Proof of filing of PNF with MA Historical Commission.	<p>Waive. The form will be filed in the future at the appropriate time. Under M.G.L. c. 9, §§ 26-27D and 950 CMR</p> <p>71.00 et. seq., an agency providing state financing for a project must send a Project Notification Form to the Massachusetts Historical Commission for a determination of whether the project will adversely impact historical properties prior to providing financing. This will be done by the Massachusetts Housing Partnership, the subsidizing agency for the Project, prior to funding.</p>	Waived with the understanding that Applicant will comply with state law and regulations relating to Project Notification Form.

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Division 4, Chapter 301: Board of Appeals Rules & Regulations				
16	§ 301-10.4 (O)	Elements of complete application: Pro forma.	Waive to the extent that it conflicts with the requirements of 760 CMR 56.05(6), as any pro forma review cannot take place until after a number of events occurs; and, furthermore, the time for the Applicant to comply with any proper request for pro forma review does not toll the 180-day deadline for the Board to complete the public hearing unless an extension of time is agreed to.	Waiver is denied as moot.
17	§ 301-10.4 (P)	Elements of complete application: Appraisal.	Waive, as the fair market value of the Property is not relevant to the Board's review and action on the comprehensive permit.	Waiver is granted to allow construction of the proposed project in accordance with the approved plans.
18	§ 301-10.6	Application filing fees.	Request that the Board to provide the Applicant with how the fee is consistent with fees charged to market rate developments.	Waiver is denied, as the Board's fees are consistent with those of the Norwell Planning Board's subdivision filing fees.
19	§ 301-10.7 (C)	Technical review escrow; consultant selection and appeal: Technical review.	Waive any fees for special counsel to the Board for general representation as 760 CMR 56.05 expressly provides that, "Legal fees for general representation of the Board or other Local Boards shall not be imposed on the Applicant."	Waived only as to special counsel fees for general representation; denied in all other respects. Consulting fees are needed to offset actual expenses to the Town incurred in reviewing an application by local boards, commissions, agencies and authorities having jurisdiction.

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Division 4, Chapter 301: Board of Appeals Rules & Regulations				
20	§ 301-10.8 (A)	Review of conditions claimed to render project uneconomic; pro forma and escrow requirements: Applicant's burden.	Waive any shifting of the burden of proof that is inconsistent with 760 CMR 56.05(7), which provides that "the Board shall grant such Waivers as are Consistent with Local Needs and are required to permit the construction and operation of the Project."	Denied as moot.
21	§ 301-10.8 (B)	Review of conditions claimed to render project uneconomic; pro forma and escrow requirements: Pro forma review fee.	Waive the \$5,000 pro forma fee unless and until the provisions of 760 CMR 56.05(6) have been satisfied.	Denied as moot.
22	§ 301-10.9 (B)	Public hearing and decision: Quantum of Vote.	Waive the requirement for a unanimous vote of the Board to grant a comprehensive permit as G.L. c.40B,  §21 expressly provides that comprehensive permit approval requires only a majority vote.	Although the three panel members for this application voted unanimously to grant a Comprehensive Permit, this waiver is granted.
23	§ 301-10.10 (A & B)	Changes in application.	Waive so that new PEL or written confirmation from subsidizing agency is not required if changes to the application are made.  If a change to the application is made, the Applicant reserves the right to seek a waiver from this requirement and from (B) as well.	Waiver is granted, as requested.

2021 DEC 23 PM 3:00

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Division 4, Chapter 301: Board of Appeals Rules & Regulations				
24	§ 301-10.12 (B)	Other provisions: Issuance of building permit(s).	Waive the requirement that the Project must comply with the Board's rules and regulations, as they may be amended in the future, as no modification to a Local Requirement made after the date of application may be imposed. 760 CMR 56.01.	Waived is granted, as requested.
25	§ 301-10.12 (C)	Other provisions: Terms and conditions.	Waive the requirement for assignments of the comprehensive permit and that the Board adhere to the permit transfer requirements set forth under 760 CMR 56.05(12)(b).	Waiver granted subject to compliance with 760 CMR 56.05(12)(b).
26	§ 301-10.12 (E)	Other provisions: performance guarantees.	Waive this requirement as the applicant will not obtain occupancy permits until construction is completed or guaranteed.	Waiver granted, subject to no occupancy permitted for each individual phase, until all necessary infrastructure is complete and operational; and/or surety for landscape and other elements that are incomplete.
Division 4, Chapter 302: Planning Board Rules & Regulations				
27	§ 302-1 thru 11	Subdivision Rules and Regulations.	Waive all applicable Subdivision Rules and Regulations. The Applicant will provide an ANR plan for the ZBA to endorse, as it is authorized to do in lieu of the Planning Board under Chapter 40B.	Waiver granted, based on the agreement that the Applicant will combine all parcels with an ANR Plan in compliance with local bylaw and Gen. L. c. 41 §81W.

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<b>Division 4, Chapter 304: Board of Health Rules &amp; Regulations</b>				
<b>28</b>	§ 304-64 (C)	Sanitary disposal of sewage: High groundwater elevation determination.	Waive all applicable high groundwater elevation determination regulations.	Board of Health believes this requirement will have no impact on project and no waiver is required, this waiver is denied as moot.
<b>29</b>	§ 304-64 (H)	Sanitary disposal of sewage: Nitrogen sensitive district.	Waive all applicable nitrogen sensitive district regulations.	Waiver is granted to allow construction of the proposed project in accordance with the approved plans.
<b>30</b>	§ 304-64 (M)	Sanitary disposal of sewage: Pump systems.	Waive requirement that all septic systems that require a pump must be pressure dosed.	As the type of septic system proposed (Presby) does not allow for pressure dosed system, this Waiver is granted.
<b>Division 4, Chapter 308: Permanent Drainage Committee</b>				
<b>31</b>	§ 308	Permanent Drainage Committee.	Waive all applicable Permanent Drainage Committee regulations.	Waiver is granted, as this committee is not active.

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## Exhibit C

### Traffic and Pedestrian Safety Measures

The Applicant shall, at its own expense, install the Traffic and Pedestrian Safety Measures listed below. Prior to installation, the Applicant shall review the location of Items #1 through #4 with the Norwell Highway Department and the Safety Officer for the Norwell Police Department.

1. Install one (1) speed radar sign (aka. Dynamic Speed Feedback Sign, or “DSFS”, that will be solar powered) on the northbound side of High Street in a location that is acceptable to the Norwell Highway Department. A DSFS is a radar activated sign that dynamically displays approaching speeds on individual vehicles, or displays a message such as “SLOW DOWN” when a vehicle exceeds a certain speed.
2. Remove the existing pedestrian crosswalk on High Street near the Route 53 intersection and install a new pedestrian crosswalk further south in a location proximate to the CVS exit on to High Street.
3. Install two (2) Rectangular Rapid Flashing Beacon (“RRFB”) signals (or other MUTCD compliant signals and will be solar powered) at the relocated pedestrian crossing – one (1) beacon on the northbound side and one (1) beacon on the southbound side of High Street.
4. Extend the sidewalk on the east side of High Street from its existing terminus to the new pedestrian crossing. After the initial installation by the Applicant, the Town of Norwell will assume responsibility for the maintenance, including snow removal, of the sidewalk.
5. The new sidewalks as referenced above and shown on the Plans are to be installed during the summer months when school is not in session.
6. The Construction Management Plan submitted by the Applicant shall address safety measures for pedestrians using the sidewalk on the Subject Property during construction. One such safety measure shall include installing construction fencing along the western edge of sidewalk on the Subject Property.

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