

*Town of Norwell*  
**BOARD OF APPEALS**  
**Public Hearing Minutes**  
**15 High Street**  
**December 6, 2021**

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<b>MEETING DATE:</b>	Wednesday, December 6, 2021
<b>TIME SCHEDULED:</b>	7:15 P.M.
<b>LOCATION:</b>	Osborn Room at Norwell Town Hall and telecast via Harbor Media with Zoom option
<b>PANEL MEMBERS:</b>	Lois S. Barbour, Chair William J. Lazzaro Stephen H. Lynch
<b>OTHER MEMBERS PRESENT</b>	Ralph J. Rivkind, Clerk Daniel M. Senteno
<b>MEMBERS ABSENT</b>	Philip Y. Brown, Vice Chair Nicholas K. Dean
<b>On behalf of the Board of Appeals</b>	R. W. Galvin, Town Counsel John C. Chessia, P.E., Chessia Consulting Cliff Boehmer, Architectural Peer Review via Zoom
<b>15 High Street 40B Representatives</b>	Peter Crabtree, Senior Vice President of Northland Peter Freeman, Project Attorney (via Zoom) Stephen Gallagher, Development Manager of Northland Alan Aukeman, Ryan Associates Christina Carlson, Union Studio Architecture Deb Keller, Merrill Engineering & Land Surveyors

**CALL TO ORDER:** The notice for the continued public hearing of the 15 High Street Comprehensive Permit application was read at approximately 7:16 PM with introduction of the panel, including Members Barbour, Lazzaro, and Lynch with the public notice read by Member Lynch. The purpose of this meeting is to discuss plan modifications resulting from the public hearing process, including recommended architectural and civil plan modifications to address peer review, board, town, and public comments.

**Zoom participation instructions** by Mr. Lynch

**Applicant's Presentation and Comments:** Mr. Crabtree introduced the developer's team and noted this is our ninth public hearing with a quick recap.

Mr. Gallagher described the plan changes previously submitted. The evening's PowerPoint presentation detailed changes to the project that have been made based upon public hearing comments and questions, as well as civil, traffic, and architectural peer review that will require a change in the waivers requested with some added and others to be withdrawn, including the following:

1. Project Milestones, including meeting dates and topics
2. Waiver List revision

3. Site Plan Revisions, dated 10/29/21, highlighting various aspects of plan changes:
- Layout Increased High Street setback from 20' to 30' with sidewalk away from edge
  - Modified sidewalk layout and parking space size
  - Fire and Traffic sight lines by increasing width 2'
  - Removed one of two trash areas; added maintenance shed with slight encroachment on sideline
  - Additional soil testing in August, so able to reduce size of drainage
  - Transformer locations tentative but dependent upon utility
  - Additional landscaping in common areas and other amenities
  - Southern property line landscape privacy enhancement with two decks on 2<sup>nd</sup> floor removed to bottom level patios
  - Refinements on amenities
  - Change in roof color to camouflage height of building as suggested by peer review consultant
  - Schematic of street view of project

**Board Discussion and Public Comments:**

Peer review comments could be addressed by conditions

Affordable units are indistinguishable from market rate units

Sidewalk easements for both sides of High Street drafted; do not anticipate issues with owner of CVS property

Signs not shown on plan; will be conditioned for traffic safety

Concern about dens vs. bedrooms to prevent adding bedroom to conform with Title V; lease agreement would restrict use

Mr. Boehmer's peer review comments have positively impacted development design

Mr. Boehmer's comments:

- Review based on Fenuccio's 3/31/21 letter and Chessia Consulting comments
- Developer has been responsive and seriously considered both "big" and more subtle, such as moving buildings back from the street; traffic safety; well-developed 1, 2, and 3-bedroom plans; appears to be slab construction

Mr. Crabtree indicates trees are 3" dbh; southern border landscaping plant material; 7' cover to 11.25' of cover over the length of easement

Mr. Aukeman described plant materials that will mirror that on the other side of the property line; shallow fibrous-rooted plants that form mats that should not be an issue. Soil volume not an issue because plants looking for oxygenated soil, not necessarily water as the project is not in an urban environment where that is an issue; moving plant material probably not make a difference; pipe does travel through woodland off property and has not been an issue



Mr. Chessia indicated pipe is reinforced concrete probably about 40 years old

Mr. Crabtree pointed out that similar plant material on the other side of the easement plan, but no easement agreement; solving privacy for abutter with Applicant willing to make condition that Town would not be liable

Board members agreed that privacy plantings are not an issue of concern at this time

Olivia Roberts of 105 High Street: concerned about the number of bedrooms; Response: developer will be held to the same standards with the same Board of Health with that jurisdiction; Developer noted there will be part-time onsite management

Bill Lavery of 125 High Street: had question about income monitoring; Response: 25% of tenants will be restricted to 80% AMI with annual monitoring by third-party monitor

Kevin Roberts of 105 High Street: question about trash pick-up area and the storage shed and whether the two areas should be swapped; also wondering about how setback relates to CVS and should have been shown on rendering; how is affordability going to be maintained; 25% must be affordable: Response to swapping storage shed location would interfere with easement area; trash will be fenced

Ms. Keller indicates that shed placement relates to easement

Joy Lavery of 125 High Street: concerned about "variances", especially height; Response: waivers are allowed under 40B; the Town has not met its 10%

Kim Zayotti of 122 High Street: feels Town should not fill its entire 10% with this 40B; High Street residents have expressed concern and want consideration; objects to that the developer has not reached out to residents; general concerns including Dark Sky compliance/lighting plan; feels neighbor concerns not heard

Response: Dark Sky standards will be met; Member Barbour stated this project will not get the Town to 10% but will give us safe-haven for a time. Town needs to be proactive and has not been in the past. New photometric plan that is Dark Sky compliant per the Developer's team.

Kristyn Therrien of 152 High Street: (1) concerned about mass moving in or out. Response: all apartments will not be rented or ready to rent at the same time; (2) concern about sidewalk placement and how will it fit in with sidewalk in other areas of High Street.

Response: Residents of High Street should encourage Complete Streets Committee to make High Street a priority; sidewalk will move away from the street in area of the project; residents should advocate for safer sidewalks on other sections of High Street. The Town needs to act on water and traffic that impact the entire neighborhood. What is being proposed by the developer should be aspirational to hopefully serve as a model for the town moving ahead in the future. Developer is working with Mr. Marsh who owns the CVS property to improve safety on that side of the street, as recommended by traffic consultants and offered by the developer.

Mr. Crabtree indicated an easement is being worked on for the CVS side of the street.

Member Lazzaro asked Mr. Boehmer to comment about density mitigation issues.

Mr. Boehmer indicated density is one issue, but in suburbs private septic limits the size of a project; believes density and intensity are different issues and for this project,

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the intensity is reasonable, includes required mitigation strategies with perimeter areas, adequate parking, and screening for neighbors; project is located on a transitional site from business to residential. This development is a relatively light touch compared with other shockingly large projects with minimal mitigation strategies.

As there were no additional questions after several offers to hear further concerns, at approximately 9:00 P.M. upon a motion duly made and seconded, Members Barbour, Lazzaro, and Lynch **VOTED** unanimously to continue this public hearing to Monday, December 13, 2021, at 7:15 P.M.

*These minutes have been approved with reading of the minutes waived by unanimous vote of the Board of Appeals at a public meeting duly held on 1/12/22 in accordance with M.G.L. c40A, Section 11, and the Massachusetts Open Meeting Law.*

Signed:  Date: 1/12/22  
As Clerk/Assistant Clerk

**Future meeting dates (reserved):**

**Monday, 12/13**                      **Topic:** Waivers and decision drafting  
**Monday, 12/20 tentative**      **Topic:** Wrap-up loose ends

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