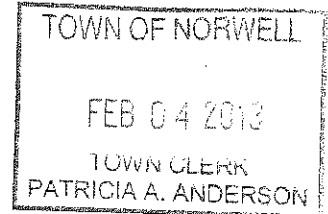


*Town of Norwell*  
**BOARD OF APPEALS**  
**PUBLIC HEARING of January 2, 2013**  
**Meeting Minutes**

MEETING DATE: January 2, 2013  
TIME SCHEDULED: 7:30 P.M.  
MEETING LOCATION: Norwell Town Hall, Gym  
MEMBERS PRESENT: Lois S. Barbour, Chair  
Ralph J. Rivkind  
Patrick J. Haraden  
OTHERS PRESENT: R. W. Galvin, Town Counsel  
Members of the Public  
NOT PRESENT: Philip Y. Brown  
David Lee Turner  
Michael K. Kiernan  
Thomas P. Harrison  
PROPONENT: Jack Sullivan, Simon Hill LLC  
Brian Murphy, Unicorn Realty  
Warren F. Baker; Baker, Braverman & Barbadoro  
C. R. Agostino; Baker, Braverman & Barbadoro  
PURPOSE: Opening of Public Hearing on  
Amended 40B Application  
APPLICANT: **SIMON HILL LLC**  
PROPERTY LOCATION: **Off Prospect Street**



Mrs. Barbour opened the public hearing at approximately 7:30 p.m. with reading of the public notice and two letters to the Board from Jack Sullivan, dated 11/19/12 and 12/20/12. She also mentioned the response letter of 12/6/12, confirming the Board's vote on 12/5/12, that proposed changes are substantial in all four areas in the DHCD regulations and requesting additional information contained in that letter, none of which had been received by that meeting.

The applicant and its attorneys then made a short presentation regarding the proposed changes and responded to Board questions. Much of the discussion centered on procedural matters, including jurisdictional issues, filing fee, outstanding escrow balance, and escrow deposit required for peer review. An exchange between Mr. Rivkind and Mr. Agostino ensued. Mr. Rivkind stated the Board will require specific information regarding any and all proposed changes to the previous application. During the discussion about project changes and supporting documentation requirements, Mr. Agostino claimed the applicant would not close on the upper portion of the parcel if the current litigation were not successful, despite his earlier claim of no change to the original Purchase & Sale agreement. Mr. Rivkind pointed out that would be a change and then asked the audience by show of hands to indicate if anyone had heard Mr. Agostino's statement about no change. About fifteen hands were raised. Mr. Baker was clearly disturbed by Mr. Agostino's assertion, which Mr. Baker subsequently denied.

A discussion of the Project Eligibility Letter followed with the applicant claiming in its letter to MassHousing that the amended project would not constitute a significant change over that previously proposed. After some debate, Mr. Baker provided the Board with a copy of Mr. Agostino's 12/21/12 letter to Mass Housing Finance Agency, which Mrs. Barbour read into the record—and for the benefit of approximately thirty members of the public present. Town Counsel indicated the Board of Selectmen might also wish to respond to MassHousing Finance Agency about the contents of the applicant's letter.

