

Town of Norwell
BOARD OF APPEALS
PUBLIC HEARING of April 17, 2013
Meeting Minutes



MEETING DATE: April 17, 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
on behalf of the Board: John C. Chessia, P.E., Chessia Consulting Services, LLC,
John G. Morgan, Jr., P.E. PTOE, Coler & Colantonio Inc.
DEVELOPER'S TEAM: Jack Sullivan, Simon Hill LLC
Brian Murphy, Unicorn Realty
Warren F. Baker; Baker, Braverman & Barbadoro
Bradley C. McKenzie, P.E., McKenzie Engineering Group, Inc.
PURPOSE: Continued 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. The evening's order of presentation will include a formal presentation by Mr. McKenzie with the traffic reports to be discussed at next week's scheduled meeting on 4/24/13. The ZBA will ensure all board and department comments are sent to the applicant. The applicant will respond to the Board's peer review consultant's initial comments. Possible conditions will be discussed along the way. Public comments will be taken after presentations are made and/or at the end of each public hearing session.

PRESENTATION BY APPLICANT'S ENGINEER: After an introduction by Mr. Baker, attorney for the applicant, the Board's engineer, Brad McKenzie, made a formal presentation of the Notice of Project Change application, stating a redesign is proposed on 17 ½ acres of the original 28-acre site, known informally as the "lower portion" of the parcel fronting on Prospect Street. Mr. McKenzie noted the site roadway has been substantially decreased from 3,100' to 2,300' on which will be sited 4 apartment buildings as opposed to previous home-ownership townhouses. The roadway layout is parking lot style versus a roadway. Mr. McKenzie stated the buildings are further away from the property line and BVW instead of 10-12' is now 25'. Building 1, located at the project entrance, has been eliminated. The claim is the median strip provides safer access to the site and includes a cul-de-sac to operate fire apparatus.

The treatment plant has been relocated to the entrance and will include parking and U.S. mail boxes, while the soil absorption system is still to be located in the northwestern corner of the property with wastewater loading essentially the same as the prior version. Mr. McKenzie noted the project will still have to comply with DEP stormwater management regulations. He maintained that calculations and watershed plans show the project can comply with standards and stormwater best management practices. The drainage basins have moved.

There are more walking trails and sidewalks than the prior version and a pool/clubhouse is located in the center of the development.

Mr. McKenzie offered to discuss his 4/8/13 response to the Board's consultant, Chessia Consulting Services. However, the Chair responded that the Board prefers to take matters in order.

There was a request for clarification that the Board is looking at the latest plan version, which is dated 1/23/13. There had been some confusion about a 2/23/13 date. Mr. McKenzie confirmed the Board was looking at the latest plan.

PRESENTATION BY THE BOARD'S PEER REVIEW CONSULTANT: Mr. Chessia delineated the information reviewed per his peer review letter, dated 3/11/13. He indicated concerns that wetlands replication areas are not shown on the plans and further review by the Conservation Commission must occur. There are also concerns about the Town's aquifer protection district. He noted although soil types appear suitable, they are shallow and much fill is proposed above the existing grade, which raise concerns about elevations and separation.

He notes an apparent lack of resolution of the previous 61A agricultural land issue and questions whether this is now a settled issue.

Mr. Chessia notes the apartment buildings are proposed to be slab construction, but indicates the type of heating to be utilized has not been identified and that other public health and safety issues are outstanding. He stated the DHCD 40B handbook for apartment developments discusses appropriate buffering and scaling requirements to protect abutting residents. However, there is little evidence that such guidelines have been incorporated into the present design.

There are concerns about plans as currently submitted with the existing parcel shown as two separate portions, labeled "A" and "B". The submitted, unsigned architectural plan shows elevations only with no floor plans, and footprints are not consistent with those shown on the proposed site layout drawing. The preliminary utility plans show water mains going through the leaching area and pipes passing through retaining walls. Features should be placed where they are allowed. Plan labels and symbols are unclear. The landscape plan has not been prepared by a Registered Landscape Architect and shows no room for any plantings or buffering in proximity to property lines, resulting in excessive impacts to abutters. The fire chief has indicated he wants full access to buildings and prefers a loop in lieu of the cul-de-sac for backing and turning, as shown.

There are questions about the topography and grading; the 1973 aerials by the Town are 100-scale and not adequate for design. There are inconsistencies in elevations and incomplete grading shown. The limits of work are not shown and calculations cannot be verified because of incomplete information. There is a basin labeled as "bio-retention" that is more likely intended to be a wet basin, which should be clarified. On the Prospect Street end of the roadway, there is no stormwater control or catch-basin shown. The outlet to Prospect Street should show existing vegetation and utility poles and what is available to the applicant by right and what is within the Town right-of-way or on property of others. Open space appears to be an issue with no indication as to what might be available for residential use, although a pool with a clubhouse is proposed. A MEPA filing is required. Property lines are required to be stamped by a Registered Land Surveyor, based upon an on-the-ground boundary survey. No snow removal allowance appears to be provided, especially with parking lots so close to property lines. The question of where the snow will be diverted when plowed should be addressed so as not to impinge upon neighboring properties.

TRAFFIC REPORT: The applicant's traffic consultant's report is not anticipated until next week.

PUBLIC COMMENTS:

Robert W. Bordewieck (49 Green Street) indicated concerns about sidewalks for students who may move into the apartments; the possible need for the Town to add a fire truck; increased traffic on Prospect Street; and the possible need traffic lights at Main Street and Grove Street. In response to the question

about a new fire truck, the Member Barbour confirmed that the proposed building heights are similar to those allowed in the Town's industrial parks.

Marie Molla (88 Prospect Street) raised a question about the past bankruptcy of Jack Sullivan. She has concerns about where money to build the project will come from. She also expressed concern about what will happen to her property in the springtime. Will drainage be a ditch on side of road? Will there be more flooding with stormwater going onto abutting properties? What about potential fire hazards created by grills on decks. What energy source will be used to heat the complex, as there is no natural gas line on Prospect Street?

Paul McGloin (58 Prospect Street) thanked Marie for her comments and declared the project property site must be a "magical land" that would handle stormwater and septic disposal, where others have had difficulty. He indicated properties along the whole street require above-ground septic systems. He stated sump pumps run constantly and he has been embarrassed to go back to the manufacturer to invoke the guarantee on replacement sump pumps that require frequent replacement.

Andy Simko (72 Simon Hill Road) stated general concerns about the project.

Marion Reed (79 Prospect Street) expressed concern about open space and trail connections. She wonders whether they will be connected to sidewalks. In response, Mr. Sullivan stated there will be connections to development sidewalks.

Rebecca Allen (155 Bowker Street) mentioned existing rights of way and old logging roads that could connect to walking trails.

Member Barbour asked the applicant to explain "Parcel A" and "Parcel B" to which Mr. Baker responded the applicant at this time is not choosing to use the upper portion of the parcel, which is in any event not allowed for construction by the HAC decision.

A discussion ensued relating to use of the separate portions of the parcel and how a new Comprehensive Permit might impact the existing permit. Mr. Baker stated the applicant has the option to go back to the old permit if the new version of the project is not approved. Member Barbour questioned whether the upper portion would be used as open space and indicated, if not, that is certainly a surprise.

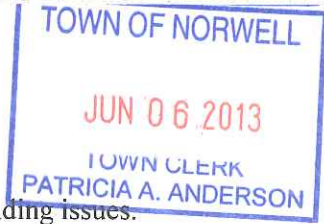
Member Haraden asked about the density calculations and inclusion of a portion versus the entire parcel.

Mr. Baker responded that all calculations relate only to the lower parcel.

Kevin Cafferty (3 Simon Hill Road) asked about the consultant's statement that the project is based on 100-foot contours.

Mr. McKenzie responded that the perimeter survey is stamped by himself and an R.L.S. to which Member Barbour asked Mr. McKenzie to indicate on the submitted plans, which he subsequently did on EC-1 and EC-2. Mr. McKenzie indicated the elevations were taken from the Town topo, but some elevations were shot in the field and a combination was used.

Mr. Cafferty then asked whether the plan fits. Mr. McKenzie responded that all existing site features are at 100-scale. He indicated he scanned in—for the most part the site is flat—and traced over the Town topo and that the wetlands were called in during the previous ORAD process.



Member Barbour indicated the wetland lines had been confirmed but there are other outstanding issues.

Mr. Chessia recommended an on-the-ground survey, which Mr. Cafferty confirmed he would like to see.

Member Rivkind asked about the procedure for submissions to which Mr. McKenzie indicated were through the Board.

Member Rivkind stated he was satisfied with that response on behalf of the public and the board.

Member Haraden asked for clarification from Mr. Chessia about what information is required to determine the project's impact on abutters' property.

Mr. Chessia responded that an on-the-ground survey with test pit elevations and water table elevations are needed. He has not seen the latest revised plans, but indicates the need to look at certain critical locations, including calculations of inverts, certain density points, and spots where shots were taken.

Member Haraden asked Mr. McKenzie about the balance between what is required and what the audience would like to see and whether there are currently enough data to support their concerns. Mr. McKenzie indicated "a lot of spot grades" are shown where the site is flat.

Member Haraden asked whether any new test pits had been dug since 2009 to which Mr. McKenzie responded that he would need to look to see what elevations were topo'd by hand and what areas Town topos were used.

Kim Leman (75 Simon Hill Road) stated she is disturbed about the applicant's two bites of the apple and wondered at what point will we know what the project actually looks like.

Mr. Galvin stated the applicant currently has a permit in hand to build the homeownership project and must comply with conditions after the Superior Court renders its decision. He further stated once the project is amended, "we have a disagreement about what the applicant would be allowed to do."

Linda Clifford (42 Prospect Street) expressed concern about lights and parking lots.

Member Barbour stated the Board has required and conditioned all 40B projects to comply with Dark Sky lighting standards.

Mr. McKenzie added that light shields are proposed.

An unidentified member of the audience asked a question about traffic to which Member Barbour responded that the Board cannot regulate traffic on public ways. Groundwater Discharge Permits fall under the purview of the DEP, which is a state permitting process. The Board must follow state law and regulations relating to conditioning of 40B projects.

Kenneth Muha (34 Prospect Street) expressed concern about wildlife, especially bald eagles. Member Barbour responded that the Conservation Commission would address such issues through the Natural Heritage Act and such concerns should be brought to their attention.

Member Rivkind stated each Town board is more expert in its own area. The Board of Appeals follows their recommendations and its consultant Mr. Chessia helps to inform its decisions. He suggested a letter be written to the Conservation Agent to address relevant concerns.

Robert Bordewieck (49 Green Street) stated a house has been constructed on the uphill portion and people are living in it. Member Barbour indicated that would be an issue for the Zoning Enforcement Officer to address and that he should be consulted.

Upon a motion duly made and seconded, members **VOTED** to continue the public hearing to Wednesday, April 24, 2013, at 7:30 P.M.

The meeting was adjourned at approximately 9:00 P.M.

These minutes have been approved with reading of the minutes waived by unanimous vote of the Board of Appeals at a meeting duly held on 6-5-13, in accordance with M.G.L. c. 40A, Section 11, and the Massachusetts Open Meeting Law.

Signed: _____ Date: 6-5-13
As Clerk/Assistant Clerk

Copy filed with: Office of the Town Clerk

