

Town of Norwell
BOARD OF APPEALS
PUBLIC HEARING of April 24, 2013
Meeting Minutes



MEETING DATE: April 24, 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.
T. Andrew Reardon, Fire Chief, Town of Norwell
DEVELOPER'S TEAM: Warren F. Baker; Baker, Braverman & Barbadoro
John J. Sullivan, Manager, Simon Hill LLC
Bradley C. McKenzie, P.E., McKenzie Engineering Group, Inc.
F. Giles Ham, P.E., Vanasse & Associates, Inc.
John Connery, Connery Associates
PURPOSE: Continued Public Hearing on amended 40B Application
APPLICANT: **SIMON HILL LLC**
PROPERTY LOCATION: **Off Prospect Street**

Mrs. Barbour called the public hearing to order at approximately 7:30 p.m. with reading of the public notice. The Board requested the indulgence of the applicant to allow the Fire Chief to present his comments at this time, as he was available due to another meeting in the building, to which the applicant assented.

Chief Reardon indicated concerns about the proposed building sizes, the number of occupants, and the distance of the proposed project from both fire stations in town. He also noted concerns about adequacy of the Town's water supply for both domestic use and fire suppression. He noted site access concerns relating to fire truck turning radii and limitation of access that could result from on-street parking by tenants and guests. He indicated the proposed split entrance from Prospect Street could present a real challenge to fire emergency vehicles in making the turn from both directions.

Member Haraden asked about the size of the buildings and the size of the current fire safety vehicles in terms of meeting potential needs and whether there were 100-year snow storm related concerns.

Chief Reardon indicated occupancy and parking are concerns and could block emergency access. He indicated fire trucks are not getting any smaller.

The Chief left at approximately eight minutes into the meeting.

Dates of future meetings were then discussed and Wednesday, 5/15/13, and, Wednesday, 6/5/13 (if needed) were established, based upon the availability of participants.

The planned agenda for the evening was to discuss traffic, school impacts, and the applicant's response to the initial comments of Chessia Consulting Services, the peer review consultant for the Board.

Mr. Baker clarified the project is not “amended” as indicated in the public notice, but is submitted as a “notice of project change”. His explanation was that certain types of responses may not be given and that he felt many of the CCS comments were not at issue. He stated the burden of local concern is “heightened” and that the wetland resources’ delineation had already been established, as had stormwater management and compensatory flooding. As soon as differences are identified, Mr. Baker stated there can be “wide latitude” for discussion. He further stated the entrance and site distance issues have already been determined, including visibility.

PRESENTATION BY APPLICANT’S TRAFFIC CONSULTANT:

Giles Ham, the applicant’s traffic consultant, indicated, although more building units means more traffic, the peak hour and daily increase in trips are “negligible”. He stated the traffic counts on Grove Street indicate 12-1300 cars during commuter hours. Updated accident data indicated that rates are lower at the intersection of Main and Prospect Streets with no rational explanation available. Although he has contacted the Norwell Police Department, requested data has not yet been received, but not changes are anticipated. He explained that stopping sight-distance calls for a maximum height of 3’ for signs and any landscaping.

The LOS (level of service) at Main/Prospect is “F”, which is poor. Mr. Ham indicated the computer models used to calculate the incremental impact of the project are conservative. He maintained the measured delays were “not significant” and the incremental impact of 14-19 cars anticipated from the proposed project would not be significant at that intersection.

Mr. Ham claims roadway improvements are not needed in the area of the project and the project access/egress is safe, as currently planned. He indicated on-site circulation and the dead end turnaround areas are “fine” and provide adequate emergency vehicle access. He stated, as respects pedestrian access, “nothing has changed” and “certainly nothing is different” with access the same.

Member Haraden asked whether the traffic observation times were “subjective” and whether starting observations at 7:00 A.M. instead of the later 7:30 A.M. time would yield a different result. He was particularly concerned about whether younger drivers of vehicles were contemplated in the numbers; i.e. high school student traffic.

Mr. Ham’s response was that data from the Norwell Police Department is still forthcoming. However, project data does not identify drivers’ ages. He is aware of the location of baseball fields and schools. He claimed the data levels have “gone down”.

Member Haraden asked about concerns relating to walking high school students from the proposed project to which Mr. Ham responded that the decision not to bus students who live within a certain distance of the school is a “community decision” for which the project bears no responsibility.

Member Rivkind asked whether walkers were contemplated in the traffic study to which Mr. Ham responded that was “not an issue”.

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PRESENTATION BY THE BOARD’S PEER REVIEW TRAFFIC CONSULTANT:

Mr. Morgan, the traffic consultant on behalf of the Town, presented his findings based upon a comparison of the 2008 and January 2013 traffic studies prepared by the applicant’s traffic engineer. Mr. Morgan indicated although the studies followed industry standards, there were discrepancies between the calculation methodology used in the earlier and more recent reports. He indicated the traffic generated

corresponds to the increase in number of units by approximately 50%. However, Mr. Morgan indicates the Grove Street intersection bears further study with the applicant estimating only 10% of traffic will turn north on Prospect Street with the remainder heading south.. Mr. Ham indicated he is still awaiting receipt of current accident data from the Norwell Police Department.

Mr. Morgan indicated it is unclear whether AASHTO standards have been met as respects setbacks and further clarification is needed for sight distances, as the entrance has been moved, and it is unclear whether the sight distance has been recalculated. Mr. McKenzie then attempted to scale the distance from the plan as he was unsure of the exact measurement, but indicated he believed the change to be about 15' or so.) Mr. Morgan stated any changes should be documented.

Mr. Morgan has visited the site and noted vegetation and trees are in the way. He requested clarification of the roadway layout and abutting property, especially as it relates to control of property needed for clear sight distance.

As previously noted, the LOS at Prospect/Main/South Streets is a Level Service F (significant wait) and the lowest designation. He noted drivers tend to accept smaller gaps in traffic and take risks, if the wait time is long. He noted an increase of 47% in the morning with 32% in the afternoon, which is a significant change from the 2008 report. He recommended the applicant examine potential options to improve the LOS, such as traffic signals or a roundabout at that intersection.

Mr. Morgan indicated the site circulation should be coordinated with the fire and police departments. One of the proposed parking fields is dead ended, which could create a back-out condition, especially for fire or other safety vehicles. He commented no circulation numbers were provided for pedestrian access.

As respects project construction, Mr. Morgan noted that management of construction traffic should be a priority, especially with trucks entering and exiting to bring fill to the site. Further, he recommended the construction hours of operation be limited.

Member Haraden asked Mr. Morgan to describe the “delay in seconds”, which he indicated is measured from the time a vehicle enters the cue.

Member Rivkind requested Mr. Morgan to provide 2 or 3 recommendations for the Board to consider.

Mr. Morgan’s recommendations are for additional sidewalks on Prospect Street, that the road be widened to accommodate bicycle traffic, and a roundabout constructed at the end of Prospect Street. A sidewalk should be constructed along the main driveway.

Mr. Ham indicated he would take a look at the discrepancy in methodology used for the 2008 and 2013 reports and report back. He indicated the measured delay at Prospect/Main is 18-22 seconds, as measured and observed. He stated the project is safe with “no safety issues at all”.

Member Barbour asked about parking to which Mr. Ham responded the ratio is about 1.78 spaces per unit with the nation standard being 1.65, which in his experience is plenty. He claimed parking would not spill over onto the roadways. The total number of parking spaces for the proposed development of 126 units is 225.

Mr. Baker then claimed a Comprehensive Permit has already been granted and the Board can now only look at differences.



PRESENTATION BY THE APPLICANT'S SCHOOL CONSULTANT:

John Connery of Connery Associates stated that 44 of the proposed 126 units will not produce "any school children at all" by his calculations. He used Sharon, Concord, and Pembroke to establish comparisons. He anticipates a projected population of approximately 250 residents in the constructed development, which would include 32 school-aged children, according to his testimony and not 29 as shown in his report.

FURTHER DISCUSSION:

In a question directed to the applicant's design engineer, Mr. McKenzie, Member Haraden indicated he is more concerned about the difference between the permitted 28 townhouse units in the lower portion of the parcel, not the earlier proposal that was reduced to 80 units (from 84 originally proposed), all of which were not permitted by the Board or the appeal to the HAC.

Mr. McKenzie responding to the Chessia Consulting Services peer review report stated 60-70% of the site was topo'd and not based on the Town's 1973 100-scale topographic map data. He stated a plan note should be revised to indicate the site surveys. He responded to the fire chief's concern about water testing and stated that a more than adequate supply exists. He also stated the drainage has not changed since the last submission. However, rim and invert elevations have been added. Mr. McKenzie claims the proposed project does not trigger any MEPA thresholds. Further, although the tree line extends along the property line, trees will be cut to the property line. The roadway will be built to the same standard previously proposed.

Member Haraden asked whether the land between the lines would be the same height and whether the contours would be different. Will the land elevation be higher or lower at the edge of a parking lot?

Mr. McKenzie indicated the plans do not show a grade-out of the entire parking lot but would meet existing grades or be up to 5' above existing grades. He claims the elevations would be increased by "much less than 10' . . . at 0-6".

Member Barbour asked whether the 0-6' grade differential is the same as previously proposed.

Mr. McKenzie stated he did not recall.

Member Barbour indicated if he were not sure that it would be difficult for her to figure out and that she had at this point no clear concept of what was being proposed.

Member Haraden asked for further clarification and what abutters would be looking at—up hill or down versus the current elevation.

Member Barbour asked about visual impacts and clear cutting. She expressed concern about the project fitting into the character and feel of the neighborhood and suggested to better conform would be a good idea. She asked about the proximity of the limit of work to the stone wall and whether it would be 5' from the property line.

Mr. McKenzie responded that the retaining walls of 5-6' would be constructed within 5-6' of the stonewall property line.

Mr. Sullivan then stated the applicant would look at that area more closely.

Member Rivkind indicated he would appreciate some clarity relating to distances and scale.

Mr. Sullivan stated the applicant has “made a big concession” and will look at what can be done to enhance the project.

Mr. Galvin noted a retaining wall within 10’ of the BVW (bordering vegetated wetlands) and a couple of others up to the 10’ line.

Mr. Baker claimed there is a distinction between buildings and impervious surface.

PUBLIC COMMENTS:

Paul McGloin (58 Prospect Street) stated the project should only include up to 28 dwelling units.

Joel Fontaine (22 Prospect) stated nothing in the new proposal seems to be relevant from the prior approval.

Mr. Galvin responded that the public hearing is an evolving process and we are asking whether the impact is greater or lesser.

Julie Fontaine (22 Prospect Street) does not agree everyone in the new development would go south on Prospect. She stated that intersection is a disaster in the morning with traffic backed up past her house daily.

Maureen Finaldi (39 Simon Hill Road) expressed concern about the impact of additional special education students on the school budget.

Penny Wilson (120 Prospect Street) expressed general concerns about the project’s impact on traffic to which Mr. Ham responded that the Grove Street intersection was not observed for traffic.

Thomas Graefe (69 Simon Hill Road) is concerned about the lack of information available and wants to know when it might be. He is very concerned about the leaching field, buffering for abutters and other concerns expressed by Mr. Chessia.

INVITATION TO SUBMIT DRAFT CONDITIONS: Member Barbour requested that members of the public submit draft conditions to address specific concerns they might have.

A letter, dated 4/21/13, to the Board was received from Ron and Anne Russo of 63 Simon Hill Road, noting traffic and environmental concerns, which the chair read into the record.

Marie Molla (88 Prospect Street) expressed concern about the adequacy and reliability of the traffic study, stating that walking on Prospect Street was asking to be “road kill”. Further, she has sometimes had to wait as many as 5 minutes to get onto Main Street from Prospect. She is further concerned about sidewalks and the lack of trees.

Mr. Galvin asked the applicant whether Mr. Chessia should review the recent revised submission or should the Board wait to instruct him to review revised plans that the applicant indicated would be forthcoming.



Mr. Sullivan stated that the applicant would look at buffers, landscaping, elevations and grading for the next meeting.

Mr. Galvin repeated his question about review by Mr. Chessia of the recently submitted information from Mr. McKenzie to which Mr. Sullivan responded in the affirmative.

Upon a motion duly made and seconded, members **VOTED** to continue the public hearing to Wednesday, May 15, 2013, at 7:30 P.M.

The meeting was adjourned at approximately 9:45 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

