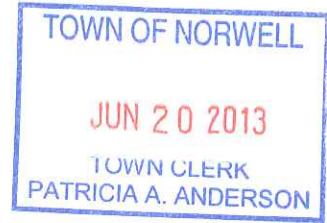


Town of Norwell
BOARD OF APPEALS
PUBLIC HEARING of May 15, 2013
Meeting Minutes



MEETING DATE: May 15, 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: 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.
PURPOSE: Continued Public Hearing on amended 40B Application
APPLICANT: **SIMON HILL LLC**
PROPERTY LOCATION: **Off Prospect Street**

The Chair called the public hearing to order at approximately 7:30 p.m. with reading of the public notice.

Member Barbour noted an email had been received from **Brian Koch of 14 Simon Hill Road** regarding procedures for handling of this application, especially in light of the extant Comprehensive Permit. Prior to getting into the evening's agenda, a discussion was held regarding procedural issues. Mr. Galvin indicated regulations allow the applicant to make project changes, which are now being discussed during the current public hearing. Member Barbour indicated there is peer review escrow, funded by the applicant, which covers expenses for consultant review such as that being provided by Chessia Consulting Services and the Board's traffic consultant, Coler & Colantonio. Mr. Haraden noted only certain issues that are allowed to be addressed and the current discussion is not the same as it might be for a new proposal. In response to the question about whether the ZBA is the final say on the application or whether it might be the Planning Board or Board of Selectmen, the Board of Appeals holds the public hearing and solicits advice and comments from Town boards and departments. However, the Board of Appeals makes the determination as to conditions and waivers to be granted and writes the decision to be filed with the Town Clerk.

Kim Leman (75 Simon Hill Road) asked about the timeframe for the Board to reach its decision to which Member Barbour responded 180 days from 2/13/13, which would be August 2013.

Marian Reed (79 Prospect Street) wanted to know why the discussion should center only on the 126 rental units and not the number previously approved to which the Board responded a specific number was not approved, only the area in which construction could occur.

Tom Graefe (69 Simon Hill Road) stated he is unclear on how a new permit will be written.

Town Counsel stated the applicant is not bound to the original permit in some respects, but states they are trying to conform to the conditions of the previous decision, except for the number and style of housing units. In some respects, it is like starting over, except know in advance the HAC's sensibilities regarding such issues as roadway length and wetland buffers.

Warren Baker stated the applicant would be looking at parking in relation to property lines and will be presenting and discussing a plan this evening that has not yet been submitted to the Board. He stated there might need to be only one more hearing.

Member Rivkind stated it must be noted this plan has not yet been submitted to the Board, while Member Barbour requested a date by which to identify the plan.

Mr. McKenzie stated the plan was for presentation purposes, while Mr. Sullivan indicated he wanted to look at some concerns relating to parking and the 5-6' green areas on the current plan held by the board, which has now been pulled back 20-25' with relocation of parking spaces and elimination of the cul-de-sac in response to comments by the Fire Chief. He also confirmed building locations had not changed.

Member Barbour requested *pdf* copies of the plans.

After some discussion Member Haraden noted no parking spaces now face the Simon Hill abutters as north-facing parking spaces have been eliminated but spaces next to buildings remain.

Member Barbour requested that any submission to the Board also be provided in electronic format.

Mr. Sullivan indicated the preliminary landscaping plan provides additional buffering with a mix of evergreen and deciduous plant material.

Member Rivkind suggests on each corner of Simon Hill abutting properties that the applicant site a sign showing a lot number so abutters can determine what views might be like from the rear of their houses.

Lorenda Layne (138 Lincoln Street) suggested a high contrast color be utilized for such signage.

Douglas Molla (84 prospect Street) expressed concern that currently no trees abut his property.

Tom Graefe (69 Simon Hill Road) is concerned that the specific elevation of each building is critical to any assessment of its visual impact to abutters and it is unclear what those might be.

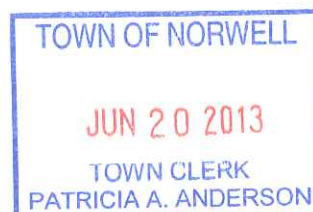
Member Rivkind suggested a crane might show the proposed building height, with pictures taken. The Board needs detailed information in the form of photographs to take to the HAC, if required.

Christine White (45 Simon Hill Road) stated there are currently leaves on the trees and the visual impact would not be the same as when leaves are off.

PRESENTATION BY APPLICANT'S TRAFFIC CONSULTANT:

Mr. Baker noted both traffic engineers are present at the hearing. Mr. Ham's latest comments are dated 4/17/13 and a subsequent peer review response letter, dated 5/14/13, was just received from Mr. Morgan. The 2010-2012 information was received from the Norwell Police Department for the Grove and Prospect Street intersections with most accidents indicated to be angle-type (15 in number), consistent with the prior filing.

Member Rivkind is concerned about the NPD traffic information being submitted through the Board at the Town Office. However, such information has not yet been received.



Member Haraden questioned the discrepancy between the Town police department and the Massachusetts Department of Transportation (DOT) to which Mr. Ham responded the local information is generally much more up-to-date, while the information submitted to the state is not necessarily comparable. Frequently, minor accidents might not be reported to the state but could be known to local authorities.

PRESENTATION BY THE BOARD'S PEER REVIEW TRAFFIC CONSULTANT and related discussion:

Mr. Morgan presented his updated traffic review letter, submitted 5/14/13, which included a review of the NPD accident data, which the Board has not yet received. He indicated the trip generation data shows a new total of 65 vehicles in the morning with 87 in the evening during peak traffic, an increase of 1 each using previous methodology. He indicated the daily trip generation using consistent methodology shows an increase of 49 vehicles generated by the project with 887 per day total. The accident data shows the Prospect/Grove Street intersection to be a high accident location. Mr. Morgan noted no information has been provided by the applicant for mitigation of additional traffic from the proposed development.

Mr. Morgan noted the sight distance plan submitted in January 2013 shows the line drawn to the south passes right long and adjacent to the McGloin property with trees close to the property line. However, it is unclear whether trees could be an impediment or whether the applicant has the right to remove those trees. There is concern that the street does not provide safe walking for pedestrians and a feasibility study to construct sidewalks should be undertaken, as well as examining what might be done at the Main Street and Grove Street intersections.

Member Rivkind questioned why the methodology produced significant changes in the results to which Mr. Morgan responded that the size of the development was part of the difference.

Member Haraden asked for recommendations regarding conditions to which Mr. Morgan responded that at a minimum a feasibility study of a sidewalk along Prospect Street should be undertaken, and it should be determined whether the Main Street intersection meets the criteria for signalization. Although Main Street bears a state number route, it is maintained by the Town of Norwell.

Mr. Morgan stated Prospect Street should not be considered a complete street for all users, as it does not have adequate width for bicycles or pedestrians. Further, Main Street shares similar characteristics with concerns about cyclists and pedestrians. However, he indicated the internal roadways are not a concern.

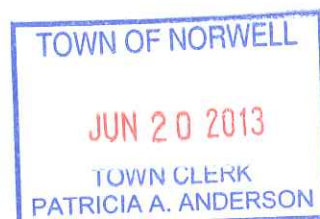
Mr. Ham rebutted that these issues were previously discussed during the prior project.

Mr. Galvin stated the trees and stone walls on neighbors' property or within the right-of-way must comply with the State Scenic Roads Act relative to public hearings by the Planning Board.

In response to a question by **Scott Almeida (24 R.F. Higgins Drive)**, Mr. Galvin stated the applicant does not have rights on private property without consent of the private property owner. Mr. Galvin then requested plans show the roadway right-of-way (ROW). It was verified the ROW along the proposed project frontage is shown on the submitted plan.

Mr. McKenzie stated the currently proposed entrance has been moved 17' from the permitted project. In response to a direct question, he also indicated the frontage of the property along Prospect Street is 232'.

Kevin Cafferty (3 Simon Hill Road) questioned the space in the ROW for a pedestrian sidewalk and whether granite curb or asphalt berm might be used.



Mr. Morgan indicated that a typical sidewalk must be 5' in width to meet ADA requirements directly adjacent to the roadway with a 3' grass strip, which could be constructed if the ROW is 8' along Prospect Street from the property site to Route 123.

Member Haraden asked Mr. Ham what a feasibility study cost might be to which he did not directly respond. However, Mr. Ham did state that he did not feel the project bears responsibility for any roadway improvements.

Paul McGloin (58 Prospect Street) discussed the ROW and the street layout.

Andrew Simko (72 Simon Hill Road) expressed concern about people unfamiliar with the road.

Penny Wilson (120 Prospect Street) stated concerns about safety and placement of a crossing guard at Main Street. She does not agree with wait times indicated by the applicant's traffic report.

PRESENTATION BY THE BOARD'S PEER REVIEW CONSULTANT and related discussion:

Mr. Chessia's report of 5/10/13 was inadvertently not submitted to the applicant, who received a copy at the meeting. The highlights of the report include updates based on comments and surveys. Mr. Chessia indicated the spot grades do not appear to be consistent with the topographic contours but are still based on the Town topo map. He stated continuing concern about the drainage data and that the whole calculation is based upon storage for which there is no basis. He indicated a real survey must be done, as there is insufficient information with which to draw reliable conclusion. Mr. Chessia noted the building plans now provide unstamped floor plans, but that footprints do not match.

The roadway is not the same, as claimed by the applicant. Mr. Chessia noted it is some 4' higher at the wetlands crossing and 24' wide needed for parking and backing out, versus the 22' previously proposed. This is a significant change, which makes the retaining wall higher than previously proposed and would now be 10' instead of the previous 6'. A sidewalk is shown within the roadway layout on the south side of the main access road. Mr. Chessia noted that not every comment he had previously made was responded to by the applicant. However, he indicated that ultimately the applicant would need to respond to DHCD guidelines, the previous HAC decision, and the Project Eligibility Letter (PEL).

Member Barbour asked whether the DHCD rental guidelines have been considered in the current version of the proposed project, which Mr. Chessia indicated they had not.

Mr. Baker responded the guidelines are not strict requirements. However, MassHousing will check to see whether the project is still eligible from a PEL perspective. The Town could condition the project to that effect but are not absolute requirements.

Mr. Chessia stated the parcel division is still an open question, as is the gas utility connection from Main Street, which will require street opening permits from the Board of Selectmen.

Member Barbour suggested gas lines could be placed under the sidewalk during that construction.

Mr. Chessia stated the original plan called for 5 open stormwater basins, while the new plan now calls for 2 at different elevations with 3 subsurface basins, which are significant differences.

Member Barbour asked whether grading at the property lines has been shown on the presentation plans, which the Board has not received.



Both Mr. McKenzie and Mr. Sullivan indicated the new plans brought back pavement to a minimum of 20'. There are also approximate grades near houses in response to Mr. Chessia's comment.

Member Rivkind asked Mr. McKenzie about the Prospect Street abutters and whether grading would be shown in that location, as well.

Mr. Chessia indicated the prior plan had a recreational field, while the current plan shows a pool and clubhouse.

Member Barbour indicated she is still unclear about open space and whether the full 27 acres is being considered and what area is now being considered as open space to which Mr. Baker responded that the upper portion is not part of the current 40B project and that only the 17.5 acres (lower portion) have been included in the project calculations.

Member Haraden asked Mr. Chessia about matching the floor plans to the contour elevations.

Mr. Chessia indicated the water test/flow test information should be reviewed by both the Town Water and Fire Departments. He also noted that no snow storage areas are shown on the current project plans, although such was shown for the previous plan.

Member Barbour read from Article J, Section 4, of the Board's Rules/CMR relating to 40B projects and the elements of a complete application require preliminary architectural plans that must be stamped.

Mr. Sullivan stated the plans will be stamped, if they have not been. He indicated the footprint shown on the proposed plan is larger than the proposed buildings.

Member Barbour wanted to bring to the attention of the applicant while in the process of plan revisions that at the May 2013 Town Meeting, voters defeated an increase in the building height bylaw change in the commercial district. This could result in a possible condition.

Mr. Baker indicated that responding to Town board and department comments will take some time and he will put the applicant's response in writing.

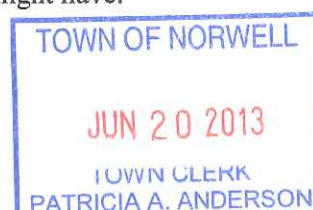
Member Barbour indicated that she anticipated draft conditions would be put together and sent to the applicant, hopefully within the next week.

Member Rivkind suggested an additional or alternate meeting date of 6/19, which was cleared with the calendars of all present.

PUBLIC COMMENTS:

Marie Molla (88 Prospect Street) read various concerns from a prepared statement that was submitted to the Board. She specified concerns relating generally to site access, parking lots abutting property of others, access roadway design, lack of snow storage shown on plans, placement of utilities and air conditioning, stormwater, abutter privacy, light pollution, building heights and visual impact, dumpster location(s), ADA accessibility, elevators, open space, noise and odors from waste treatment facility, 61A, pro forma, traffic and sight distance, and the financial stability of principals.

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



Upon a motion duly made and seconded, members **VOTED** to continue the public hearing to Wednesday, June 5, 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 6-19-13, in accordance with M.G.L. c. 40A, Section 11, and the Massachusetts Open Meeting Law.

Signed: _____ Date: 6/19/13
As Clerk/Assistant Clerk

Copy filed with: Office of the Town Clerk

