

Town of Norwell
Board of Appeals
Continued Public Hearing of Simon Hill, LLC
Meeting Minutes of October 16, 2013

TOWN OF NORWELL
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2013 OCT 30 AM 10:57

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MEETING DATE: October 16, 2013
TIME SCHEDULED: 7:30 P.M.
MEETING LOCATION: Norwell Town Hall, Osborne Room

MEMBERS PRESENT: Lois S. Barbour, Chair
Ralph J. Rivkind
Patrick J. Haraden

OTHERS PRESENT on behalf of the Board: R. W. Galvin, Town Counsel
John C. Chessia, P.E., Chessia Consulting Services, LLC
Andrew J. Reardon, Norwell Fire Chief

DEVELOPER'S TEAM: No one present

PROCEDURES: At approximately 7:30 P.M. Member Barbour requested advice from Town Counsel on whether the evening's meeting constituted a continued public hearing and if the public notice should be read. At its last meeting on September 10, 2013, the Board had voted to allow a two-week written comment period to close on Wednesday, September 25, 2013, with an additional one-week rebuttal period to close on Wednesday, October 2, 2013.

In response, Mr. Galvin advised the public portion of the meeting was now closed and the Board would be in deliberations relative to its decision. Further, such discussion of the Board would be open to the public. However, the Board would be allowed to ask for clarification on any questions it might have of anyone present. However, there should be no expectation by the public that further comments can be offered during these deliberations.

APPLICANT NOT PRESENT: Member Barbour noted the Applicant was not in attendance and Mr. Galvin confirmed he had heard nothing about the Applicant's lack of attendance. Although he had spoken with that office on another matter earlier in the day, there was no discussion of the Simon Hill meeting.

Member Barbour noted the evening's major issues relate to the building height and landscape buffer conditions with most conditions previously addressed within the public hearing.

Member Rivkind stated the Board would be considering all information submitted on or before the October 2, 2103 deadline. He then read the Fire Chief's memo of October 2, 2013 on Norwell Fire Department letterhead, the last official submission to the Board prior to the deadline. The Chief's stated concerns about the 8/5/13 Concept Plan include:

- Eliminates access to buildings by fire and EMS equipment
- Access to Building #3 shows two dead end alleys causing real issues with equipment turn around
- Norwell Planning Board Rule 7.B.3 requires an easement connecting the dead-end street to the nearest possible way

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- New layout does not provide width dimensions and corners look tight making movement of equipment within the site problematic
- 527 CMR 10.03(10) requires establishment of fire lanes at a minimum width of 18'

CONCEPT PLAN: Member Rivkind stated the new concept plan affects public safety with some steps forward and several big steps backward. The Board has the right to deal with public safety issues, which the Fire Chief's memo just read indicates is of concern.

Condition 28 Fire Lanes: It was agreed this condition should reference the date of the Fire Chief's memo of 10/2/13.

Member Rivkind clarified the final wording to connect the dead end parking lot on the westerly side of Building 1 that does not connect with anything on the plan but should connect with the parking lot on the west side of Building 3, sufficient to provide the requisite fire lane minimum width of 18', as imperative to the public safety of the project occupants, not only those in Building 1.

Condition 17 Retaining Wall Location Restrictions: After a discussion with the Board's peer review consultant, it was agreed to delete the exception relating to retaining wall 3b, which appears twice. Removing the old Building 1 units to the three buildings shown on the 8/5/13 concept plan appears to obviate the need for that retaining wall. The plan date cited should be the 8/5/13 concept plan.

Condition 19 Pathways Project of the Town of Norwell: For clarity of the Board's understanding of this condition, Member Rivkind suggested the wording be amended to clarify no payment would be required by the Town for the pathway easement; specifically, to add "without the necessity of a taking or additional compensation" to which members agreed.

General Condition Question: Member Rivkind asked Town Counsel for clarification on the application of 40B to the "upper parcel", which Mr. Galvin stated was adequately addressed by reference to the HAC decision incorporated into the findings section.

Condition 38 Five-Valve Connections: The wording of this condition should cite the five-valve connection (*not* previous three-valve), which is required by the Water Department for looping of the water mains to Prospect Street. Mr. Chessia opined that cost would likely be around \$5,000.

Condition 41 Looping: The Board will require internal looping of the water mains back to Prospect Street. Since the Applicant's cost statements are questionable at best, the Board cannot rely on prior representations. However, the looping costs should not be excessive in any event.

Condition 43(e) Operations and Maintenance Plan: Both the Construction and Post-Construction Operations and Maintenance Plans are subject to peer review. Mr. Chessia suggested this is where BMPs should be included with the Post-Construction Maintenance plan consistent with DEP guidance and further suggested incorporating such elements (BMPs) in the Sedimentation and Erosion Controls section (d), as well.

Conditions 44 and 46 Mounding Limitations: Mr. Galvin noted Condition 44 is good engineering practice. It was agreed to leave the two conditions separate for clarity.

Condition 48 Building Sizes and Locations: Member Haraden stated building heights should be measured from some fixed location.

Member Barbour indicated at the last meeting, she was talking about limiting the building height to 34' at the fill grade level, while Members Rivkind and Haraden had decided upon 44' from the existing elevation. Member Rivkind then stated he was retracting all previous building height statements. Mr. Galvin noted the applicant's concern about an ability to include stormwater features. Member Haraden inquired of Mr. Galvin whether it would be better to measure from existing or from fill elevation. A short discussion resulted in consensus to use the fill elevations. Mr. Chessia noted the compiled Grading Plan PC-3, rev. 5/23/13, shows the layout elevations of the building footprints.

Member Rivkind recalled the Applicant's engineer, Brad McKenzie said there would be approximately five feet (5') of fill in the area where the three buildings are now located on the concept plan, dated 8/5/13. He further noted the Board could be reasonably sure that using the "Grading Plan" (Drawing PC-3) elevations upon which to locate buildings would prevent the project from ending up with 12' of fill beneath the buildings. Mr. Galvin wanted to clarify condition wording (53:28), which he read, "dated 10/29/12, as revised 5/23/13".

Member Haraden asked Mr. Chessia what a minimum requirement would be for each floor of the building, which he advised would be 10' per floor.

It was noted the Jacobs Pond 40B project has three (3) floors without a flat roof with the building height restricted to the Town's zoning bylaw requirement of thirty-four feet (34').

Member Rivkind suggested that based on the filled grades, there should be a restriction on the area of the building footprint relating it to that on a previous plan for Building 4, the largest, which Member Haraden and Mr. Chessia noted was 71' x 208'. Member Haraden then suggested the footprint should be 75' x 225'. After further discussion it was agreed the decision should provide a maximum footprint of 75' x 220'. As Mr. Sullivan had previously stated wider buildings require higher roofs, it was agreed the footprint should be predicated with "not to exceed".

The Fire Chief left the meeting with the thanks of the Board at approximately 8:30 P.M.

Mr. Galvin indicated we can reference the building base elevations shown on the 5/23/13 plans. The finished floor elevations show at 133.70'.

Condition 64 Landscape Buffer (1:11:02): After a discussion, it was agreed the decision would require 15-18' trees with spacing equivalent to height for evergreens, while Mr. Chessia noted Planning Board regulations require 2 1/2-3" caliper deciduous trees. It was agreed to delete the abutters proposed condition paragraph, as much of that detail has already been incorporated.

Condition 65 Abutter Fencing and Natural Screening (1:19:10): Mr. McGloin's property requires heavy screening to block light from oncoming traffic, which with only a fence along the edge of property would be inadequate to block light from on-coming and/or turning traffic. Mr. McMackin stated a preference for natural screening in lieu of "plastic" fencing.

Additionally, any retaining walls located on the northerly portion of the property should have natural screening of native plant materials in keeping with the rest of the project.

Condition 83 Surety: Members agreed this provision should remain.

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Upon a motion duly made and seconded, the Board **VOTED** at approximately 8:55 P.M. to recess for five minutes, returning to Open Session at 9:10 P.M., during which time Mr. Galvin was called out to the meeting of the Board of Selectmen.

A limited discussion about the number of units ensued with Member Rivkind suggesting a maximum number of 126, which Member Barbour suggested be placed in Condition 48 Building Requirements.

Member Haraden noted the decision now limits the building number, footprint size and position, height, and adds a fire lane. Member Barbour suggested restricting movement of any building footprint in a northerly direction from that shown on the 8/5/13 concept plan, which was agreed upon by all.

It was also agreed the conditions' language could be supplemented by review of the minutes with the evening's agreements superseding any prior, especially the landscaping for abutters, which was discussed in detail.

In response to member request, Mr. Galvin suggested the motion be: to approve the Notice of Project Change, subject to the conditions discussed tonight, incorporating the standard Comprehensive Permit language and format, including waivers and the file inventory in their normal positions.

Upon a motion duly made and seconded, it was so **VOTED**.

The meeting was adjourned at 9:20 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 10/28/13, in accordance with M.G.L. c. 40A, Section 11, and the Massachusetts Open Meeting Law.

Signed:  Date: 10/28/13
As Clerk/Assistant Clerk

Copy filed with: Office of the Town Clerk

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