



TOWN OF NORWELL
Norwell Town Offices, Room 112
345 Main Street
Norwell, Massachusetts 02061
(781) 659-8021

TOWN OF NORWELL
TOWN CLERK

2022 APR 28 AM 9:10

RECEIVED

*Office of Planning Board &
Town Planner*

Norwell Planning Board Meeting Minutes April 13, 2022

The meeting was called to order at 7:00 P.M. with Chair Brendan Sullivan presiding. Also present were Town Planner Ilana Quirk, Vice Chair Brian Greenberg, and Board Members Donald Mauch, and Michael Tobin. Unable to attend was George Woodland. The meeting was held at the Planning Office.

CALL TO ORDER/AGENDA

Motion by Mr. Sullivan to open the meeting and approve the agenda as submitted. Duly seconded and unanimously voted.

CITIZEN COMMENTARY

None

SUBDIVISION, SITE PLANS, SPECIAL PERMITS & OTHER PROJECTS

111 Washington Street – Site Plan Review. Public Meeting

Status of LSP Certificate*

PB Report to ZBA*

Site professional Joe Polsinello present to discuss the Health and Safety Plan he submitted to the Planning Office. Mr. Polsinello discussed the process by which he created the report and stated he would apply the plan to the project in its entirety and that he would be present during construction to ensure there are no issues.

Mr. Mauch asked Mr. Polsinello if he had heard back from DEP regarding whether he could, or should, affix his LSP stamp to the plans; Polsinello stated he was unable to reach anyone at DEP. When asked if he had conveyed this information to Ms. Quirk, he indicated he believed he did so by e-mail. Polsinello further stated that the LSP stamp was not affixed to plans like a PE stamp, and in fact he did not have an actual stamp, only an electronic seal he only used in filings with DEP.

All present further discussed reporting requirements with DEP. Ms. Quirk noted that the plan proposes activity in the restricted area, but Mr. Polsinello maintained that this is not something that needs to be filed with DEP, and his role, rather, is to be a presence on the site to ensure that all activity is proceeding safely. Ms. Quirk asked about a provision in the law requiring an LSP's opinion and risk characterization as to a proposed use; Mr. Polsinello stated this had been done by the original LSP when they implemented and recorded the AUL.

At this point, Ms. Quirk indicated it was up to the Board as to how to proceed, but suggested a condition of approval recommending that ZBA seek Town Counsel's opinion as to the need for an LSP stamp, opinion, and risk characterization. After a brief discussion of consulting engineer Chessia's recommendations and an abutter's request, the Board voted to issue a positive recommendation to ZBA with the following conditions:

1. Sheet C9 be revised to move landscaping out of the snow storage area;
2. Lights in rear must be motion-sensitive and timed;
3. Stop sign must be posted at end of drive-through lane;
4. Recommended determination by Town Counsel that the Health and Safety Plan is all that is required to satisfy the AUL.

Motion by Mr. Greenberg to issue a favorable recommendation to the ZBA with conditions as noted. Duly seconded and unanimously voted.

John Neil Extension Subdivision. Public Meeting

Withdrawal Status

Ms. Quirk advised that applicant had withdrawn; she has not received a formal request for return of the application fees to date.

Schooner Estates Subdivision - Public Meeting

After Ms. Quirk gave a brief status of the developer's surety, the Board voted to release lots 1, 5, and 7 for development.

Motion by Mr. Mauch to release Schooner Estates lots 1, 5, and 7 for development. Duly seconded and unanimously voted.

TOWN MEETING - ZONING ARTICLES

Chair Lois Barbour of the ZBA present along with Vice Chair Philip Brown and members Ralph Rivkin, Bill Lazzaro, and Stephen Lynch. Former member Sally Turner also present.

Accessory Dwelling Unit Article

Prior to the discussion of this article, Members Mauch and Greenberg read statements regarding the article and the process by which it had been revised to date. Both asked that their statements be included as part of the minutes for this meeting. Chair Sullivan assented, and the statements are attached.

Ms. Barbour opened that ZBA was not trying to undermine the article, noting that they had expressed their concerns in a posted public meeting. They are aware of the state-level incentives for ADUs and other multifamily housing and had come to this meeting seeking additional clarity on what is being proposed. They had some shared concerns about how the bylaw would be implemented, and in particular were very sensitive to any impact on the Town's Subsidized Housing Inventory target.

Chair Sullivan opined that any SHI impact would be small relative to that of other developments in town, and asked Ms. Quirk if a house with an ADU would be considered a multifamily house. Ms. Quirk indicated this depends on the census criteria, with a primary factor being whether a structure has a separate entrance. Those with one would count as a separate unit.

Ms. Barbour also asked if the article incorporated any monitoring mechanisms, and if it included a provision encouraging residents with “sub rosa” ADUs to bring them into compliance. Mr. Greenberg indicated that violations would be detected and addressed in the same way as any other zoning violation; the enticement for sub rosa owners to come forward would be the “by right” process whereby they could not be denied a permit provided they met all the requirements. Chair Sullivan added that by coming clean, such owners could advertise and sell their property as a two-family unit. Ms. Barbour followed about owners of sub-rosa units that did not meet the “by right” criteria. Ms. Quirk noted she had spoken with Building Inspector Tom Barry about writing a possible amnesty provision into future revisions of the bylaw.

Mr. Rivkin noted that he was not against ADUs but had several concerns with the article. Messrs. Mauch and Greenberg pointed out that at the last ZBA meeting he had been reading from and quoting the original draft of the article, long since updated, but Mr. Rivkin stated his concerns had to do with the latest draft he had received from Ms. Quirk.

Mr. Rivkin argued that the provision allowing ADUs to be no larger than one half the floor area of the principal single dwelling or 900 sq ft, whichever was smaller, was ambiguous and could lead to the creation of two relatively equal, small living spaces in one dwelling. Mr. Greenberg allowed for the possibility but opined that the language was sufficiently clear regarding the allowable size and pointed out that not all structures in town were ideal candidates for creation of an ADU. Ms. Quirk added that the language had been taken directly from the state legislation incentivizing the permitting of ADUs.

Rivkin also opined that requiring a separate outside door would be a hardship for the seniors who might occupy an ADU. Ms. Quirk pointed out that the ADU entrance could be inside the structure, through an entry hall or common hallway; this was also taken directly from the state legislation. Messrs. Greenberg and Sullivan agreed that not all lots in town are ideally set up for senior-friendly ADUs but also noted that ADUs weren’t just for seniors.

Mr. Rivkin also noted that the article does not mention the increased property taxes the owner of an ADU would be paying; Mauch noted these increased taxes would be just a fraction of their rental income, and Chair Sullivan pointed out that ZBA did not advise residents of the tax impacts when an improvement was likely to increase the value of a property; this was the responsibility of the owner.

Rivkin also claimed a provision requiring that a property with an external ADU maintain the appearance of a single-family residential property to the maximum extent possible added ambiguity that could lead to lawsuits, and asked how the term would be defined. Mr. Greenberg noted that by law, the Building Inspector would be the interpreter; these determinations were appealable if an abutter disagreed with the BI’s finding. Mr. Mauch opined that most such cases would be settled amicably, as few property owners would want to risk devaluing their property by adding a substandard external ADU.

Mr. Brown commented that ZBA generally supported the concept of ADUs, readily granted special permits for their construction, and suggested that the bylaw be amended to allow for the construction of larger ADUs by special permit. Mr. Mauch replied that the 900 sq ft limit was specifically chosen to allow for the article’s adoption by simple majority vote. Once the article had passed, the PB’s intent is to propose further amendments to allow for the construction of larger

ADUs by special permit; Mr. Greenberg agreed that a permitting process was warranted for the construction of larger ADUs. Mr. Mauch acknowledged that the PB could have been clearer on communicating to all that the current article was just the first part of what it had in mind, and future additions included the allowance of larger ADUs by permit and possible incentives for the construction of deed-restricted “affordable” ADUs which would address the concern around an increasing SHI number. Ms. Barbour noted that obtaining such clarification was why ZBA had attended the meeting, but Mr. Lynch asked what would happen if the subsequent changes to the bylaw don’t happen as planned. Mr. Mauch stated that an objective of this first change was to assess the reaction and demand, and adjust the PB’s approach as needed. Mr. Greenberg hopes at least a few ADUs get built once the article is passed so there are concrete examples to work with.

Mr. Lynch asked why the article permits 900 sq ft or smaller ADUs by right. Mr. Greenberg personally thinks such a de minimis project should be allowed by right, as requiring a special permit significantly increases the cost to homeowners. Mr. Mauch added that all of the requirements for issuance of a special permit have been written into the article. In his experience, construction of an ADU already requires a significant number of signoffs.

Mr. Lynch also expressed concern about external ADUs being approved and then being used as rentable “pool house” structures, and suggested that the next round of revisions be used to resolve ambiguities in the law. Mr. Greenberg noted that pool-house structures were already allowed by right, but is willing to help address any issues with the bylaw once it is passed. Mr. Brown asked about exterior ADUs being built on undersized lots; Mr. Greenberg pointed out that any such ADUs would have to meet setback requirements and avoid septic system impacts; interior ADUs would likely be the only available option for such lots.

Ms. Turner commented on a lack of soils suitability language and asked if there had been any study of possible impacts. Ms. Quirk advised that soil suitability was addressed in the current Title V regulations. Chair Sullivan added that the Board had looked at surrounding towns with similar ADU bylaws; most of these permitted about 3-5 ADUs per year. Ms. Turner also commented that she generally supported the bylaw but opined that language about the opportunity for homeowners to “derive rental income” did not belong. Mr. Brown asked if this language could be removed, but it was noted that the warrant had already gone to print.

After further discussion, Mr. Brown indicated he would like to give all ZBA members a chance to vote on endorsing the article. Mr. Mauch stated that the PB would greatly appreciate ZBA’s support at Town Meeting and encouraged ZBA members to reach out to Ms. Quirk or any PB member with any additional questions.

Special Permit / Site Plan Duration Article

This article will allow Special Permit durations to be up to 3 years so they match up with site plan approvals. Ms. Quirk noted that such adjustments would be at the ZBA’s discretion and were not required.

Select Board Nomenclature Article

This article would update references to “Board of Selectmen” in the Zoning Bylaws to “Select Board”; the language in the General Bylaws was updated accordingly last year.

*Motion by Mr. Mauch to continue the Zoning bylaw public hearings to April 27, 2022 at 7 PM.
Duly seconded and unanimously voted.*

APPROVAL OF MINUTES

Tabled

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TOWN CLERK

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CURRENT MAIL

The following mail was received at the Planning Office:

RECEIVED

HANOVER, PB, AMENDMENTS TO THE ZONING BYLAW
HINGHAM, PB, DECISION WITHDRAWN 50 LYNDON ROAD
HINGHAM, PB, DECISION, WITHDRAWN, STONE REVETMENT, 0 OTIS STREET
HINGHAM, PB, SP, ELECTRIC VEHICLE CHARGING STATION, 274 SOUTH STREET
HINGHAM, PB, SP, ELECTRIC VEHICLE CHARGING STATION, 28 BARE COVE PK
HINGHAM, ZBA, ADMIN APPEAL OF LOCAL BUILDING COMM DETERMINATION, 266 WHITING ST
HINGHAM, ZBA, MODIFICATION OF VARIANCE, SIDE YARD SETBACK, 135-137 SOUTH ST
HINGHAM, ZBA, SP, ADU, 138 NOKOMIS ROAD
HINGHAM, PB, SP, ZBA RELIEF FOR FLEXIBLE RES DEV 8 SINGLE FAM HOMES 213-215 CUSHING
MARSHFIELD, PB, MODIFICATION TO SP, MODIFY BLDG 2, 23 JOAN WAY
MARSHFIELD, PB, SP, MINOR MODIFICATION TO DESCRIPTION, 612 PLAIN ST
PEMBROKE, PB, AMENDMENTS TO ZONING BYLAW
PEMBROKE, ZBA, SP, ADU, 5 BONNIE BRIER PK
PEMBROKE, ZBA, VARIANCE, ADDITION SINGLE FAMILY HOME, 54 PRISCILLA DR
PEMBROKE, ZBA, VARIANCE, 2 STORY COMM BUILDING, 715 WASHINGTON ST
PEMBROKE, ZBA, SP, ADU, 379 TAYLOR STREET
ROCKLAND, CON COMM, NOI, RESURFACING PARKING LOT, BEECH STREET
SCITUATE, PB, SP DECISION, APPROVED ADU, 81 NORWELL AVENUE
SCITUATE, PB, SP DECISION, APPROVED ADU, 31 PEGGOTTY BEACH ROAD

BILLS

The following invoices were presented for payment:

CHRISTOPHER SULLIVAN, PB MINUTES, 3.23.2022 \$150.00
CHESSIA CONSULTING SERVICES - SCHOONER ESTATES \$540.00
CHESSIA CONSULTING SERVICES - JOHN NEIL EXT. \$675.00
CHESSIA CONSULTING SERVICES - 341 WASHINGTON ST. \$214.50 SOIL TESTING

Motion by Mr. Mauch to approve the invoices as submitted. Duly seconded and unanimously voted.

NEXT MEETING

April 27th, 2022 – Town Hall, Room 112, 7 PM

ADJOURNMENT

There being no further business, a motion was made by Mr. Greenberg to adjourn at 9:20 PM. Duly seconded and unanimously voted.

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 4.27.22.


George Woodland III, Clerk

Copy filed with: Office of Town Clerk
Post to Planning Board Webpage

