



Office of Planning Board &  
Town Planner

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

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2022 AUG 29 AM 10:10

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## **Norwell Planning Board Meeting Minutes August 3, 2022**

The meeting was called to order at 7:00 PM with Chair Brian Greenberg presiding. Also present were Director of Planning, Ilana Quirk and Members Donald Mauch, Brendan Sullivan and Michael Tobin. Member George Woodland was absent. The meeting was held in the Osborne Room.

### **CALL TO ORDER/AGENDA**

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

### **CITIZEN COMMENTARY**

None

### **SUBDIVISION, SITE PLANS, SPECIAL PERMITS & OTHER PROJECTS**

#### **341 Washington Street Site Plan\***

Public Meeting

Draft Report and Recommendation\*

Ms. Quirk circulated a draft report to the Board based on its vote at the previous meeting to issue a favorable report and recommendations to ZBA with conditions based on the peer review recommendations from consulting engineer John Chessia. The Board approved the draft report and authorized Ms. Quirk to revise it as directed by the Board and to forward it to ZBA prior to the ZBA's continued public hearing on August 9.

*Motion by Mr. Mauch to approve the draft report and recommendations regarding 341 Washington Street, with revisions, and to direct same to be forwarded to the ZBA. Duly seconded and unanimously voted.*

#### **136 Longwater Drive Site Plan\***

Public Meeting

Draft Report and Recommendation\*

During the public meeting session, Applicant James Rader noted that he hired workers to remove stones from the front and back ends of an outfall pipe for the retention basin in back of the property and the work has been completed. Ms. Quirk stated that she visited the site that morning and spoke with the Applicant's workers and observed that the water level had already dropped significantly.

She reported that she later spoke with Highway Superintendent Ferguson and he stated that he had observed the basin that same day as well and it was his opinion that the water level in the drainage basin would be down to its designed level within 48 hours..

Based on these observations, Ms. Quirk updated the draft report and recommendation to the ZBA to reflect that the pipe has been cleared. The draft report recommends that a title search still be done to establish who has the responsibility to maintain the basin, and that this applicant be required to perform ongoing maintenance but only if the title search reveals that they are responsible for doing so. Mr. Greenberg noted that he had been uncomfortable with a condition requiring this applicant to maintain the drainage basin without confirming that it has the obligation to do so.

Mr. Mauch questioned whether approval of the draft report and recommendations would be premature given that responsibility to maintain the basin and drainage system in back of the property had not yet been established. Ms. Quirk advised that this would ultimately be established through a title examination and, since the outfall pipe has been cleared and since Superintendent Ferguson has opined that the basin is functioning as designed again, she recommended that the Board approve the draft report now and send it to the ZBA as there will not be another PB meeting before applicant's continued public hearing session with the ZBA and there is a concern that the applicant could lose the tenant for which the work has been designed.

Attorney Gary Markoff, representing Mr. Rader, added that he was in possession of Mr. Rader's title policy and abstract of title, neither of which referenced an obligation to maintain the basin. He stated that he would share all documents with Town Counsel and the ZBA and noted that his client cooperated by unclogging the pipe, and asked that the Board please move the process forward so the proposed tenant, Clean Harbors, could meet its September move-in date.

Mr. Sullivan emphasized that the PB is not taking action to approve the site plan but, rather, is simply making a report with recommendations to the ZBA, which includes a recommendation that there be a requirement for a title search. Mr. Mauch noted that whoever obstructed the outfall pipe could quickly put the rocks back, and asked assurance that notice would be sent to the entity responsible for basin maintenance. Chair Greenberg felt the language in the recommendation was sufficient to address these concerns but noted for the record that the entity(ies) responsible for maintaining the basin should be notified without delay once they are known.

*Motion by Mr. Greenberg to approve the draft report and recommendations to the ZBA regarding 136 Longwater Drive, with the directed revisions, and to forward same to ZBA. Duly seconded and unanimously voted.*

To expedite processing of the reports and recommendations, the Board authorized Mr. Mauch to sign the 341 Washington and 136 Longwater reports and recommendations, as well as any current invoices.

*Motion by Mr. Greenberg to authorize Mr. Mauch to sign the invoices and 341 Washington Street and 136 Longwater Drive decisions. Duly seconded and unanimously voted.*

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**Stetson Woods\* Public Hearings\***

170 Stetson Road & 196 Stetson Road

\* VROD Special Permit Public Hearing

\* Scenic Road Hearing

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Assistant Clerk Tobin read the Notice of Public Hearing.

For the Applicant, Attorney Jeff Tocchio was present, along with Jim Bristol of Weathervane Stetson LLC and Gabriel Crocker, Crocker Design, to discuss the Village Residential Development (VRD) project on parcels located on and off of Stetson Road comprising about 10.5 acres of contiguous upland.

Prior to applicant's presentation, Chair Greenberg gave a brief overview of the hearing process, noting that a supermajority of the Board must find that the project complies with the Village Residential Overlay District (VROD) bylaw, and applicant must meet specific criteria in order to comply with the bylaw. The criteria include:

- occupancy of the units being restricted to persons aged 55 or older;
- An affordability component, which will result in 10% of units counting towards the Town's subsidized housing inventory (SHI)
- Having at least 10 contiguous acres
- A minimum of 5/6 acre of upland per unit
- 50% of the upland must be reserved as open space
- There must be sufficient parking
- There must be a 50 to 175-foot perimeter buffer to abutting residential areas
- There must be Title V compliance.

The Board has the authority to issue the VROD special permit with conditions and cannot deny the permit based solely on abutter opposition. The Board has hired consulting engineer John Chessia to review the plans as to whether all criteria has been satisfied and make recommendations as to conditions or changes.

Attorney Tocchio noted they had originally proposed a 40B development with 64 dwelling units, some market rate and others which would count towards the town's SHI. Upon passage of the recent changes to the Village Residential Overlay District zoning bylaw, the applicant revised its design concept to propose a VRD comprised of 15 new single-family dwelling units with two existing units to remain. Other features include a "village green" near the center of the development and conversion of an existing barn near the property entrance to a mail/delivery room that would be owned by the Homeowners Association. The 15 units would range in size from 1700-2300 sq ft and be at least 15 feet apart, and the two existing units would be renovated to look like the others.

They had shared earlier design concepts with abutters in September of 2020, July of 2021, and last month, and to the Board in September of 2021. They have reached out to the Board of Health and Fire Department for comments and have a determination from the Conservation Commission that a filing with Conservation will not be required. A traffic study by their consultants, Vanasse and Associates, has been provided.

Mr. Crocker discussed the topography of the property, noting that the majority of the property drains towards Stetson Road. To capture and treat stormwater, they are proposing a grass infiltration/retention basin, with irrigation pond, in the middle of the development with the capability of retaining up to 100-year storm water levels. They are proposing additional inlets and a catch basin near the entrance to keep runoff off of Stetson Road, and will consider other options for this area. They are also eliminating all curb cuts through the stone wall along Stetson except for one by the barn, which they wish to widen to 24 ft wide. The Water Department has recommended a hydrant flow test and loop connection for the houses. The units will have gravity-based septic systems except for two which will require pumping, and all utilities will be underground.

Member Sullivan asked for more details about the landscape buffer; Mr. Crocker indicated that most of the existing trees surrounding the property would remain. They have added a landscape planting plan for an area by the barn where trees will be needed. Mr. Sullivan also asked what happened to the berm along Route 3 that had been part of an earlier plan set the Board viewed. Mr. Tocchio advised that the berm was dropped from the latest plan, as sound studies showed little benefit for the cost, and the berm would have encroached into the Mass Highway easement.

Mr. Mauch asked about the width of the westerly buffer and, upon being told it varies from 50 to 54 feet, noted that applicant was assuming the buffer would be closer to 50 ft than the 175 ft specified in the bylaw. Mr. Tocchio noted that the Board has the ability to waive this buffer down to 50 ft, and stated they would have to look at earlier iterations of the project, with more units, if no waiver is possible. Mr. Bristol noted that the VROD bylaw was amended to reduce the minimum acreage from 40 to 10 acres and opined that the buffer requirement had not been adjusted accordingly. There are relatively few areas along the boundary that have the full 175 ft buffer. All agreed that a site visit should be taken in light of the waiver request; Ms. Quirk recommended that applicant stake out the property before the visit.

The hearing was then opened to public comment. Monica Dewberry, 151 Stetson, advised the Board that she had been to several meetings with the developers, and previous proposals had included significantly more units. She also noted that applicant's traffic engineer should take into consideration that all students in the neighborhood are picked up at Masthead Drive, by multiple school buses, each day.

Ed Maguire, 21 Bowsprit, asked about applicant's unit calculations, ensuring residents met the age requirement, and providing water to the new units, and suggested that the barn be moved back so it didn't block driver's views at the entrance. Mr. Greenberg advised that Mr. Chessia would be verifying applicant's calculations and Ms. Quirk indicated that the age restriction would be handled by deed restriction, with an exception for one spouse. Mr. Crocker noted that the 15 new units would be limited to two bedrooms, which should limit usage to about 150 gallons a day.

Frank Granara, 15 Bowsprit, asked about a structure behind 170 Stetson; it is an existing garage. Jerry Griffiths, 159 Stetson, stated that water has been coming down the existing road onto his property for years, and suggested they add a drain at the bottom of the road by the entrance. Messrs. Tocchio and Crocker indicated they would consider the request.

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All present discussed adding a second exit to the VRD, as shown in previous proposals, with Mr. Griffiths and Paul Joseph, 169 Stetson, suggesting this would avoid concentrating traffic by the barn. However, Gayle Gauthier, 190 Stetson, stated that this would require the removal of more trees, increase noise, and would cause her property to be surrounded by roads on three sides.

Mr. Greenberg asked applicant why the second exit was eliminated; Mr. Crocker stated this road would pass over the proposed septic system; also, it would have a 10% grade that would not meet Fire Department specifications. Mr. Tocchio added that adding the second road would cause headlights to be shined directly into the property across the street. After further discussion, Mr. Greenberg suggested that applicant take another look at the option for vetting at a future hearing. Applicant agreed to a continuation to September 28, 2022 to allow for plan updates and Engineer Chessia's peer review.

*Motion by Mr. Greenberg to authorize Mr. Chessia to appoint a traffic engineer as subcontractor for traffic review as deemed necessary and notify applicant and Planner Quirk. Duly seconded and unanimously voted.*

*Motion by Mr. Greenberg to continue the public hearings to September 28, 2022 at 7 PM. Duly seconded and unanimously voted.*

#### **APPROVAL OF MINUTES**

The minutes of the July 27 meeting were distributed and reviewed.

*Motion by Mr. Tobin to approve the Minutes of the July 27, 2022 meeting as submitted. Duly seconded and unanimously voted.*

*Motion by Mr. Mauch to authorize Mr. Greenberg to sign the July 27 minutes. Duly seconded and unanimously voted.*

#### **REVIEW CURRENT MAIL**

The following mail was received at the Planning Office:

HANOVER, PB, PH, SP, DEFINITIVE SUB APPROVAL, 1410 & 1422 WASHINGTON ST  
HANOVER, PH, PH, DEFINITIVE SUB APPROVAL, 334 KING STREET  
HINGHAM, PB, SPR, EXPAND CHILD CARE FACILITY, 165 BEAL STREET  
HANOVER, ZBA, VARIANCE, SP, DEMO PRE-EXISTING GARAGE AND REBUILD  
HANOVER, ZBA, VARIANCE, INGROUND SWIMMING POOL, 102 RIVER ROAD  
HINGHAM, PB, PH, SPA, RAZE AND RECONSTRUCT SINGLE FAMILY HOME, 7 LEWIS COURT  
HINGHAM, PB, PH, SPA, SEPTIC, DRIVEWAY, POOL, 104 OTIS STREET  
HINGHAM, PB, DECISION, WITHDRAWN 135-137 SOUTH STREET  
ROCKLAND, ZBA, VARIANCE, ADDITION, 630 SUMMER ST

#### **APPROVAL OF PENDING BILLS**

The following invoice was presented for payment:

CHRISTOPHER SULLIVAN, PB MINUTES, 7.27.2022\* \$150.00

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*Motion by Mr. Greenberg to approve the invoice as submitted. Duly seconded and unanimously voted.*

### **MISCELLANEOUS**

#### **PB Escrow Account Review**

Ms. Quirk distributed a review of escrow accounts under the Planning Board's control, as required by statute. The Planning Board acknowledged receipt.

#### **Alternate PB Member for SPs**

Chair Greenberg and Ms. Quirk explained to the Board that they have discussed drafting a Town Meeting article to authorize the appointment of alternate PB members to ensure a quorum when a regular member(s) is absent; such individuals would only be authorized to vote in special permit hearings. The Members agreed that this is a good idea.

#### **ADU Amendments**

Tabled

#### **Planning Board Forms and Website**

Administrator Kristin Ford is working to update the Website.

#### **Longwater Drive Subdivision Issues**

Ms. Quirk is looking for documentation of approval of the drainage basin but so far has been unable to locate it. Conservation Agent Will Saunders found an Order of Conditions for 95 Longwater Circle, indicating applicant was responsible for all drainage shown on the approved site plan for that property, but Ms. Quirk has been unable to locate a PB decision that references the basin. She is relaying all information to Town Counsel, who will consult with Counsel for 95 Longwater Circle.

### **NEXT MEETING**

August 24, 2022 – Town Hall, Room 112, 7 PM

### **ADJOURNMENT**

*There being no further business, motion was made by Mr. Greenberg to adjourn at 9:10 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 \_\_\_\_\_.

\_\_\_\_\_  
George Woodland III, Clerk

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

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