

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

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*Office of Planning Board &  
Town Planner*

## **Norwell Planning Board Meeting Minutes October 26, 2022**

The meeting was called to order at 7:00 P.M. with Chair Brian Greenberg presiding and Board Members Donald Mauch, George Woodland, Brendan Sullivan, and Michael Tobin present. Also present was Director of Planning and Community Development Ilana Quirk. The meeting was held in the Planning Office, Town Hall Room 112.

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

*Motion by Chair Greenberg to approve the agenda as submitted. Seconded by Member Tobin and unanimously voted 5-0-0.*

### **CITIZEN COMMENTARY**

None

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

Stetson Woods VROD SP  
170 Stetson Road & 196 Stetson Road\*

VROD Special Permit  
Scenic Road/Shade Tree

Vice Chair Mauch read the Notice of Public Meeting.

*Motion by Chair Greenberg to open the continued public hearing. Seconded by Member Tobin and unanimously voted 5-0-0.*

Applicant has requested a continuation to November 30, 2022; the Board agreed to change the second monthly meeting to November 30.

*Motion by Chair Greenberg to continue the public hearing to November 30 at 7 PM. Seconded by Vice Chair Mauch and unanimously voted 5-0-0.*

### **Old Oaken Bucket Estates**

Review Easement Status / Subdivision Surety Review / Review and Possible Endorsement of Mylars

Engineer Greg Morse and Attorney Walter Sullivan present for applicant. Planner Quirk advised that multiple documents were furnished to the Planning Office today that she would like a chance to review, including a construction plan was received that will require a "light table" review by peer review engineer John Chessia for changes. Engineer Morse indicated these plans removed references to Parcel E, which has been eliminated, and otherwise made only de minimis changes.

Chair Greenberg asked Mr. Morse and Attorney Sullivan whether they felt they had submitted all the documentation required, and both answered in the affirmative.

Planner Quirk suggested that the Board endorse the mylars at a special meeting on November 2, which would allow her time to review the submissions and draft the motion language. Attorney Jeff De Lisi, representing purchaser Tony Nader, indicated this was acceptable but would ask that the Board be prepared to call another meeting if needed for the mylars to be endorsed in a timely manner.

Vice Chair Mauch praised the “exemplary organizational skills” Planner Quirk demonstrated in her handling of the legal documentation and added he hoped the applicant and buyer took note of the need for their future filings to be in good order. Attorney De Lisi thanked Ms. Quirk for her assistance and all involved for their efforts in this complex project, and assured the Board that his client was in a good position to make this a successful project.

### **Hitching Post Subdivision**

Surety/Lot Release Application

Greg Morse present for applicant, who is requesting that all lots be released in exchange for their providing the PB with a \$300K surety bond, an amount determined by consulting engineer Chessia to be sufficient to protect the Town’s interests.

Ms. Quirk reminded Mr. Morse that site plan review is required for lots as set forth in the Certificate of Action, and such review must move forward before any building permits issue. Mr. Morse acknowledged and advised they delivered SPR applications for Lots 1, 2, and 3 earlier today.

*Motion by Chair Greenberg that the Planning Board vote to release all lots in the Hitching Post Subdivision from the surety covenant recorded against the property for the project, upon receipt of a surety bond in the amount of \$300,000, provided that:*

- *The original surety bond is provided;*
- *The surety bond shall be proper as to form as determined by Town Counsel;*
- *The surety bond shall not have an expiration date;*
- *The surety bond shall be issued by a bonding company with an appropriate rating upon consultation with the Treasurer/Collector.*

*Applicant is also reminded that that site plan review, as required for lots as set forth in the Certificate of Action, must move forward before any building permits issue.*

*Seconded by Member Sullivan and unanimously voted 5-0-0.*

### **Bay Path Lane Subdivision Extension**

Surety Reduction Application

Consulting engineer John Chessia reviewed VRT Corporation’s surety return request and recommended that the Board retain \$81K in funds and release the balance. Michael J. Verrochi, representing VRT, indicated they would not dispute the recommendation.

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Chair Greenberg thanked Mr. Verrochi for extra efforts he made to accommodate an abutter, including moving a mailbox buried in concrete and extending an irrigation system to newly landscaped land at his own expense.

Vice Chair Mauch asked about the status of an access road to abutting Water Department land. Mr. Chessia indicated that this land was still inaccessible from Bay Path Lane, as the way is obstructed by trees, brush, and boulders and a fence installed by an abutter may encroach into the right of way, but the funds held in surety would be sufficient to address these issues.

Mr. Verrochi believes the abutter put up the fence to prevent encroachment onto his property; they will confirm the fence does not encroach into the right of way, and will make sure the access road is functional before turning its maintenance over to the homeowner's association. Planner Quirk recommended that the Fire Department also inspect the road once the work is finished.

*Motion by Chair Greenberg that the Planning Board approve a release of surety cash funds, held to secure the remaining work for Bay Path Extension, so that the remaining funds will be equal to \$81,000, as recommended in the peer review report issued by Chessia Consulting on October 12, 2022. Seconded by Member Tobin and unanimously voted 5-0-0.*

### **341 Washington Street**

Vote to Return Review Fee Funds \$5,123.11

The Board voted to return \$5,123.11 in unused review fee funds to Callahan/Hoffman in response to a request from the accounting office for a motion and vote referencing the specific amount.

*Motion by Vice Chair Mauch to return \$5,123.11 in unused review fee funds to Callahan Hoffman Inc. Seconded by Member Woodland and unanimously voted 5-0-0.*

### **APPROVAL OF MINUTES**

The minutes of the October 12 Shade Tree Hearing and Planning Board meeting were distributed and reviewed.

*Motion by Chair Greenberg to approve the Minutes of the October 12 Shade Tree hearing as amended. Seconded by Vice Chair Mauch and unanimously voted 5-0-0.*

*Motion by Chair Greenberg to approve the Minutes of the October 12 Planning Board meeting as amended. Seconded by Vice Chair Mauch and unanimously voted 5-0-0.*

### **REVIEW CURRENT MAIL**

The following mail was received at the Planning Office:

HINGHAM PB & ZBA PH, MODIFY TRAFFIC& PARKING PLAN, MARTINS LANE  
HINGHAM PB, SP & WAIVER, RECONSTRUCT DRIVEWAY 15 PORTERS COVE RD  
HINGHAM PB, PH, SP & WAIVER, RECONSTRUCT DWELLING, GARAGE, POOL 95 MARTINS LANE  
PEMBROKE PH, ZBA, APPEAL DECISION 260-280 OAK AND 20 CORPORATE PARK DRIVE

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## **APPROVAL OF PENDING BILLS**

The following invoices were presented for payment:

<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
CHRISTOPHER SULLIVAN	PB MINUTES, 10.12.2022*	\$ 150.00

*Motion by Chair Greenberg to approve the invoices as submitted. Seconded by Vice Chair Mauch and unanimously voted 5-0-0.*

## **MISCELLANEOUS**

### **January 2023 Special Town Meeting Preparations**

#### **Alternate Planning Board Member**

Planner Quirk has drafted an article allowing the Planning Board and Select Board to appoint an alternate Planning Board member to attend and vote in public hearings for special permits if needed to establish a quorum.

Vice Chair Mauch supported the general idea but opposed involving the Select Board in the appointment, noting that Planning Board members are themselves independently elected and opining that the Select Board tends to overstep its bounds. Members Woodland and Sullivan agreed, with Member Sullivan opining the SB already has enough appointing power. Ms. Quirk noted she suggested joint appointing to help build consensus with the SB and encourage them to support the article, but Mauch doesn't think the article will have trouble passing.

*Motion by Vice Chair Mauch that the Planning Board file a Special Town Meeting article, as amended, allowing for associate Planning Board members to be appointed, pursuant to state law, by majority vote of the Planning Board. Seconded by Member Sullivan and unanimously voted 5-0-0.*

#### **VROD fixes**

Planner Quirk has drafted a STM article that addresses ambiguities in the Village Residential Overlay District bylaw and gives the Board discretion to grant a "density bonus" of between 35% to 60%. Additionally, the required buffer is reduced from 175 to 75 ft, further waivable down to 50 ft at Board discretion. Ms. Quirk characterized the new buffer dimensions as more feasible for developers, given the 10 lot minimum required for VROD developments, while still providing sufficient screening for abutting residentially zoned or occupied properties.

Planner Quirk added that a developer had proposed allowing the affordable units of a VROD development to be built offsite, but she does not recommend such a provision, as such units tend not to get built.

Vice Chair Mauch opined that the current formula in the bylaw yielded relatively few affordable units to the Town, and suggested the Board consider what developers are offering the Town in this regard when considering buffers and density bonuses. Planner Quirk agreed, noting this was the intent of the proposed changes, and asked the Board to send any additional suggestions to her.

### **May 2023 Annual Town Meeting Preparations**

#### **Aquifer Protection**

Planner Quirk has drafted an article proposing an edit to Prohibited Use O in the Aquifer Protection District, Section 201-19.7, that adds the phrase "with the determination as to whether the system

is sufficient to be determined by the Planning Board following an administrative review and with peer review at the applicant's expense, as necessary," in which "system" refers to the groundwater recharge system the section requires if "more than 15% of any lot or 2500 square feet of any lot, whichever is greater" is rendered impervious. The article was drafted with input from ZBA Chair Lois Barbour's input, who indicated ZBA was not interested in taking on this review.

#### ADU

Vice Chair Mauch submitted an ADU application to get a feel for the current permitting cost/process, including how the Building and Health departments handle their pieces; the Board broadly discussed how to streamline the process.

Two articles concerning ADUs are in the works for May; one provides housekeeping edits to the article passed last year and one allows for the by right permitting of ADUs > 900 sq ft. The Board discussed particulars of the latter article, including how to set size limits and how to allow external ADUs by right on large, nonconforming lots.

#### Retreat Lot

Chair Greenberg is working on a draft article.

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

Updates are ongoing.

#### **2023 Planning Board Schedule**

Chair Greenberg asked Board members to consider moving meetings to first and third Wednesdays of the month starting in January 2023, so they would no longer conflict with Select Board meetings on the second and fourth Wednesdays.

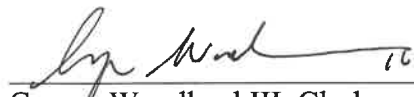
#### **NEXT MEETING**

November 9<sup>th</sup>, 2022 – Town Hall, Room 112, 7 PM

#### **ADJOURNMENT**

*There being no further business, a motion was made by Chair Greenberg to adjourn at 8:51 PM. Seconded by Vice Chair Mauch and unanimously voted 5-0-0.*

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 11/9/22.



George Woodland III, Clerk

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Post to Planning Board Webpage

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