



TOWN OF NORWELL
Norwell Town Offices, Room 112
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*Office of Planning Board &
Town Planner*

Norwell Planning Board Meeting Minutes November 30, 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 Osborne Room, Town Hall Meeting Room 1 and remotely, as allowed under the Executive Order suspending certain provisions of the Open Meeting Law.

CALL TO ORDER/AGENDA

Motion by Chair Greenberg to approve the agenda as submitted . Seconded by Member Tobin and unanimously voted by roll call: Greenberg aye, Tobin aye, Woodland aye, Sullivan aye, Mauch abstain.

Mr. Greenberg advised that the meeting is being recorded.

CITIZEN COMMENTARY

None

SUBDIVISION, SITE PLANS, SPECIAL PERMITS & OTHER PROJECTS

Stetson Woods VROD SP

170 Stetson Road & 196 Stetson Road*

Public Hearing, cont'd, 7 pm
VROD Special Permit*
Scenic Road/Shade Tree*

Chair Greenberg read the Notice of Public Hearing.

Motion by Chair Greenberg to open the continued public hearing. Seconded by Member Woodland and unanimously voted.

Attorney Jeff Tocchio present along with Jim Bristol, Weathervane Stetson LLC, and Gabriel Crocker, Crocker Design, to discuss a revised design concept for a Village Residential Overlay Development (VROD) on two parcels off Stetson Road comprising about 10.5 acres of continuous upland.

Mr. Tocchio noted that since the previous hearing, there had been a productive site visit and another round of Chessia comments and responses, with further review ongoing. Mr. Crocker showed the updated site plans and discussed changes. They looked at switching to one-way entrance and exit roads, but doing so would require the exit road to go through DOT's drainage

easement, and the grading was “inadequate to have a road there.” Additionally, the resident at 190 Stetson, near the proposed new exit, preferred some variation of the original layout.

Based on this information, they went back to one two-way entrance and exit road but shifted it closer to the property line between 159 and 169 Stetson in hopes of reducing disturbance to 169. In the new plan, they are proposing to either remove or relocate the barn; this would allow additional room for an underground drywell system with catch basins and allow them to retain a mature shade tree in the area, as well as put in 6 ft cedar fencing and additional plantings. Mr. Tocchio noted that the new entrance road layout has increased but not excessive curvature. Other changes include a shift in the location of the mailroom away from the entrance, creating a shared driveway for units 10 and 11, and moving one unit to the island in the middle of the development. They have dug test pits witnessed by consulting engineer John Chessia, and have redesigned the infiltration basin based on the results.

Planner Quirk asked how much closer the new proposed entrance moved to the abutter across the street in the other direction; Mr. Crocker estimated the distance was reduced by about half but will obtain a more definite figure. Member Sullivan asked if the new entrance was longer or shorter, and whether it lined up with the existing edge of pavement; the road length would be approximately the same and ran fairly close to the existing pavement.

Mr. Chessia noted that the test pits he witnessed revealed mostly sandy soil except for one area where a high water table was found; Mr. Crocker added they had designed the system to avoid that area. The Board agreed that a full peer review traffic study was not needed but a summary should be obtained including metrics like average daily trips and sight distances.

Member Mauch noted he was intrigued by the original proposal to use the barn as a mailroom and encouraged them to preserve the structure in some form. Chair Greenberg was concerned that use as a mailroom could cause bottlenecks, but encouraged preservation for some lighter use such as storage. Mr. Tocchio indicated they would consider options for reuse.

Paul Joseph, 169 Stetson, inquired whether DOT would allow use of part of its drainage easement for an exit road, as a second egress would spread out traffic. Jerry Griffiths, 159 Stetson, stated they were running a water line through the easement, so they should also be able to put pavement on it. Planner Quirk replied this would depend on the easement language, but Mr. Griffiths maintained there was already a driveway over it and thus it could be used as an exit road. Mr. Tocchio indicated there were multiple issues with the second egress road, not just the easement, stated the numbers into and out of the VROD would be “super small,” and encouraged all to visit the Weathervane development in Weymouth, where he said there were few traffic issues. However, Mr. Griffiths held that a separate exit was possible and he really didn’t want the entrance and exit to be in the same place.

Chair Greenberg asked Mr. Griffiths what his main concern was about the exit road; it was the traffic, and having a second exit would spread it out. Member Sullivan noted that nearby Masthead Road, with more houses and families with kids, functioned adequately with just one egress but Griffiths claimed that having one entrance/exit to the VROD would be putting all the burden on him. Member Mauch asked Mr. Griffiths if he would be OK with one entrance/exit if the barn were there; Griffiths preferred that the barn remain. Christine Joseph, 169 Stetson, also preferred that the barn remain, as applicant made this a selling point at the previous hearing and this was the first time she had heard that it might be removed.

At this point, Chair Greenberg asked that the new proposed entrance/exit be staked in the field; Mr. Tocchio indicated they would do so, and would look at options that retained all or part of the barn.

The Board discussed next steps, which will include Chessia's review of the latest plans and applicant's response to his comments and a peer review traffic study. Chair Greenberg asked that they consider making the proposed cedar fencing a little higher. Developer Jim Bristol indicated they would look at options for the barn staying where it is and do their best to try to address everybody's concerns. Member Mauch thanked Mr. Bristol for his efforts.

Planner Quirk advised applicants that proposed revisions to the VROD bylaw were moving to the Annual Town Meeting in May to allow sufficient time for the Board to draft the article and have a public hearing. Mr. Tocchio assented to a continuation to the February 1 meeting.

Motion by Chair Greenberg to continue the public hearing to February 1, 2023 at 7:00 PM. Seconded by Member Mauch and unanimously voted by roll call: Greenberg aye, Tobin aye, Woodland aye, Sullivan aye, Mauch aye.

Hitching Post

Review Status

Public Meeting

Planner Quirk advised that new information from the applicant came in last week. Mr. Chessia reviewed and has indicated that the site plans for lots 1, 2, and 3 were sufficient to satisfy the requirements of the decision.

Mr. Chessia noted that two lots drain from the house forward to the road and staging area, and recommended a condition of approval requiring erosion controls between these houses and the road.

Motion by Chair Greenberg to find that site plan review for lots 1, 2, and 3 to be sufficient provided that erosion control is deployed between the house and street as approved by Mr. Chessia. Seconded by Member Mauch and unanimously voted by roll call: Greenberg aye, Tobin aye, Woodland aye, Sullivan aye, Mauch aye.

Applicant is requesting that the \$300K surety bond approved recently be reduced now to \$215K to reflect credit for additional work. Mr. Chessia has reviewed the request, and Planner Quirk noted that the surety bond instrument has not been received and will need to be approved and the duration of the bond should either be open ended (the better option) or have at least 5-10 years duration.

Motion by Chair Greenberg to reduce the money-based surety amount for Hitching Post Lane from \$300,000 to \$215,500, with the condition that the bond instrument shall be reviewed and approved as to form by Planner Quirk. Seconded by Member Woodland and unanimously voted by roll call: Greenberg aye, Tobin aye, Woodland aye, Sullivan aye, Mauch aye.

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Jeff Hassett, Morse Engineering, present for applicant. They have formally withdrawn the ANR application previously filed with the Board but wished to review the plans informally with the Board and to discuss options for creating a buildable lot out of lots 55 and 56 on Stony Brook Lane, a private way. Lot 55 is primarily upland but has no street frontage; while Lot 56 is primarily wetlands but has abuts Stony Brook on both sides. The ANR application subdivides lot 56 into parcels A and B. Parcel A consists of land abutting Stony Brook Lane and Parcel A would be added to Lott 55 to give it the access it needs. The prospective purchaser is considering donating Lot 56 (as reconfigured) to the Conservation Commission, but would consider simply merging the two lots if the Commission is not interested.

Planner Quirk indicated that for an ANR to be approved, two things would be necessary.

First, the applicant would need to provide evidence to the Board that the private way predates the effective date of the Subdivision Control Law in Norwell. That date is February 9, 1953. .

Second, once that evidence is provided, then, under GL c .41, §81L, the Planning Board would have to vote to determine that it is of the opinion that Stony Brook Lane, in its current condition, has “sufficient width, suitable grades and adequate construction to provide for the needs of vehicular traffic in relation to the provided use of the land abutting thereon or served thereby and for the installation of municipal services to such the land and the buildings erected to be erected thereon.”.

Member Sullivan expressed concern at towns repeatedly approving Form As on private ways that may not be able to accommodate public safety vehicles and he suggested that the applicant discuss the application with the Fire Department. Member Mauch maintained that people build on a private road at their own peril and it was not the Board’s place to shield them from the consequences. Member Woodland agreed with Member Mauch.

Planner Quirk that the state fire regulations (527 CMR) should be reviewed to determine if the house would need to be sprinklered. She noted that Engineer Hassett indicated the applicant is considering adding a turnout for vehicles on the lot where the new home would be located. This would require Conservation permitting which he stated he believes could be obtained. Planner Quirk indicated this would make the road safer but it has to be a condition that is in place to be considered unless a voluntary covenant is recorded first to require it.

Member Tobin noted that endorsing an ANR for the lots was not the same as issuing a building permit. Member Mauch maintained that “private is private,” and those who build on a private way should be prepared to bear the inherent risks.

Planner Quirk cautioned that a decision on an ANR for this location could set a precedent for the type of width that the Planning Board is willing to accept (i.e., only 12 feet of width, which does not allow to vehicles to pass in opposite directions.) Engineer Hassett noted there were not many other private ways in Town like this one and he and builder Greg Webb would discuss their options.

The Board authorized Planner Quirk to administratively review and approve the recharge system design for the property.

Motion by Chair Greenberg to authorize Planner Quirk to perform an administrative review of the recharge system design. Seconded by Member Mauch and unanimously voted by roll call: Greenberg aye, Tobin aye, Woodland aye, Sullivan aye, Mauch aye.

APPROVAL OF MINUTES

The minutes of the November 9 meeting were distributed and reviewed.

Motion by Chair Greenberg to approve the Minutes of the November 9, 2022 meeting as submitted. Seconded by Member Mauch and unanimously voted by roll call: Greenberg aye, Tobin aye, Woodland aye, Sullivan aye, Mauch aye.

REVIEW CURRENT MAIL

The following mail was received at the Planning Office:

HINGHAM, PB, PH, SPR, PATIO, DRIVEWAY 136 NOKOMIS ROAD
HINGHAM, ZBA, MUDROOM AND DECK, 295 GARDNER ST
HINGHAM, ZBA, SP, PUMP ISLAND, 19 WHITING ST
HINGHAM, PB, SPR W WAIVER, NEW 3RD STORY, 55 DOWNER AVENUE
HINGHAM, ZBA, PH, 2 COMM BUILDINGS, 73 ABINGTON ST.
HINGHAM, PB, DECISION, 68 BEL AIR RD, APPROVED W CONDITIONS
HINGHAM, PB, DECISION, 2 ALEXANDRA WAY, APPROVED W CONDITIONS
HINGHAM, PB, DECISION, 95 MARTINS LANE, APPROVED W CONDITIONS
MARSHFIELD, PB, PH, PLAIN STREET DEFINITIVE SUBDIVISION
ROCKLAND, PB, DECISION, APPROVED SITE PLAN & DESIGN, 365 CONCORD ST
SCITUATE, PB, DECISION, APPROVED WITH CONDITIONS, 52 PIN OAK DRIVE

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APPROVAL OF PENDING BILLS

The following invoices were presented for payment:

CHRISTOPHER SULLIVAN, PB MINUTES, 11.9.2022*	\$ 150.00
CHESSIA CONSULTING, STETSON WOODS, OCTOBER	\$ 828.00
CHESSIA CONSULTING, OLD OAKEN BUCKET ESTATES, OCTOBER	\$2,725.00
CHESSIA CONSULTING, HITCHING POST LANE, OCTOBER	\$2,773.00
CHESSIA CONSULTING, BAY PATH LANE EXT., OCTOBER	\$ 817.50
CHESSIA CONSULTING, SCHOONER ESTATES, OCTOBER	\$ 135.00

Motion by Chair Greenberg to approve the invoices as submitted. Seconded by Member Tobin and unanimously voted by roll call: Greenberg aye, Tobin aye, Woodland aye, Sullivan aye, Mauch aye.

MISCELLANEOUS

Town Meeting Preparations - January May 2023

The VROD article has been moved to the Annual Town Meeting in May. The Associate Member article is presently on the warrant for the Special Town Meeting in January. The Advisory Board is discussing the article next Tuesday, and the public hearing will be set for January 4.

All briefly discussed moving the Solar bylaw rewrites article to January. Planner Quirk had concerns about the complexity of the revisions needed and preferred that it be on the warrant for

the Annual Town Meeting and not be attempted to be added to the January 2023 STM; the Board agreed that more time was needed.

Planner Quirk summarized the the draft solar bylaw article and noted that that would be allow roof-mounted solar by right anywhere in town, except that special permit relief would be required for residential accessory structures. Solar Arrays and Solar Canopies in office parks (C Districts) would be permitted as of right with site plan review and also would be allowed in the B Districts with significant setbacks from any residential use or land. Solar Arrays would be allowed in residential district, but only upon special permit and with greatly increased dimensional requirements.

The Board members noted that they wish the Planning Board to be the permitting authority.

Planning Board Forms – Update*

Still in progress.

Chessa Consulting Peer Review Contract*

Planner Quirk would like Mr. Chessa to sign a peer review contract for the consulting work he does for the Board. The matter was tabled to allow the Board to review the proposed contract.

NEXT MEETING

December 14th, 2022 – Town Hall, Room 112, 7 pm

ADJOURNMENT

There being no further business, a motion was made by Chair Greenberg to adjourn at 9:02 PM. Seconded by Member Tobin and unanimously voted by roll call: Greenberg aye, Tobin aye, Woodland aye, Sullivan aye, Mauch aye.

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 12/14/22.



George Woodland III, Clerk

Brian Greenberg, as authorized by Planning Board vote

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