



TOWN OF NORWELL
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*Office of Planning Board &
Town Planner*

Norwell Planning Board Meeting Minutes November 10, 2021

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 Michael Tobin, George Woodland, and Donald Mauch, Sr. The meeting was held in the Planning Office.

CALL TO ORDER/AGENDA

Motion by Mr. Greenberg to accept the agenda as revised. Duly seconded and unanimously voted.

APPROVAL OF MINUTES

The minutes of the September 22, October 13, and October 27 meetings were distributed and reviewed.

Motion by Mr. Greenberg to approve the Minutes of the September 22, 2021 meeting as written. Duly seconded and unanimously voted.

Motion by Mr. Greenberg to approve the Minutes of the October 13, 2021 meeting as written. Duly seconded and unanimously voted.

Motion by Mr. Greenberg to approve the Minutes of the October 27, 2021 meeting as written. Duly seconded and unanimously voted.

BILLS

The following invoices were presented for approval:

Christopher Sullivan	\$150.00	(9/22/2021 Minutes)
Chessia Consulting Services.	\$473.00	(Review of Norwell Estates)
Mass Municipal Association	\$100.00	(Advertising TP Position)
Bond Printing	\$139.00	(Printing)
Chessia Consulting Services	\$130.00	(Review of Schooner Estates)
Chessia Consulting Services	\$520.00	(Review Hitching Post Lane)\
Chessia Consulting Services	\$1806.00	(Review Norwell Estates)
Chessia Consulting Service	\$455.00	(Review Hitching Post Lane)

Motion by Mr. Greenberg to pay all the bills printed in the agenda. Duly seconded and unanimously voted.

Motion by Mr. Greenberg to remove the matter from the agenda pending receipt of a complete application in good order. Duly seconded and unanimously voted.

TOWN MEETING PREPARATIONS - POTENTIAL ZONING ARTICLES

Accessory Dwelling Unit Zbl Discussion

Ms. Quirk briefly discussed the process and timelines for Zoning Bylaw revisions whereby the Board would present a draft bylaw to the Select Board, who would then refer the bylaw back to the PB for a public hearing.

Ms. Quirk also gave an overview of the current state ADU law, noting that if the Town does not increase its ADU size above the 900 sq ft set forth in the state law, the bylaw can pass with a simple majority Town Meeting vote; a bylaw allowing ADUs above 900 sq ft would require a 2/3 Town Meeting vote to pass. The Board discussed whether to present two bylaw revisions, one keeping ADUs under 900 sq ft and one allowing ADUs above 900 sq ft; all agreed to focus on one article that could pass by simple majority, allowing both internal and external structures by right. Chair Sullivan recommended language to prevent an ADU from being built in a front yard. All favored limiting conversions of dwellings constructed before 1952 to no more than two families.

Ms. Quirk will incorporate the changes discussed and circulate a draft to the PB, ZBA, and Select Board.

Select Board Nomenclature Amendment

The Board authorized Ms. Quirk to prepare a draft housekeeping article to change references to "Board of Selectmen" in the Zoning bylaws to "Select Board" to conform with that body's name change.

Demolition Delay Zoning Bylaw Amendments

The Board, along with Building Inspector Tom Barry, reviewed proposed revisions to the demolition delay bylaw drafted by Mr. Greenberg. Mr. Greenberg noted that he had reviewed the existing language and Historical Commission meeting minutes as part of his research, and drafted the proposed changes based on discussions with Mr. Barry as well as his own experience as an applicant and working with homeowners.

Mr. Greenberg believes that Historical is operating on an expansive definition of what constitutes "demolition" that included activities such as the replacement of windows and siding or the removal of an interior wall to put on an addition; this requires applicants to appear before Historical for projects that do not impact actual exterior features and subjects them to delays that halt the receipt of other town permits and potential house sales.

Mr. Mauch noted that Massachusetts Historical Commission guidance indicates that local Commissions are responsible for ensuring their town's bylaw is properly written as well as providing clear guidelines for residents. Norwell's demolition bylaw is based partly on Hingham's bylaw but, unlike Hingham, contains no specific definition of "demolition," which allows the Commission to expand its purview beyond the specific intent of the bylaw. Mauch added that most owners of historic homes, himself included, are already motivated to preserve the historic integrity of their property and do not require heavy-handed oversight to do so. Mr. Barry agreed that adding a clear definition of "demolition" would be helpful in his own dealings with applicants.

Ms. Quirk agreed that the general purpose of demolition delay bylaws is not about construction materials or interior features; just exterior architectural feature visible from a public way; they are written to preserve the structure when possible and inform applicants of possible grants. Since this is a Zoning bylaw, it is within the PB's purview to propose and discuss changes, but she

recommended that the Historical Commission and Select Board be advised of future discussions. Public Meeting Law restrictions prevented their being officially invited to this preliminary discussion.

Mr. Mauch suggested that Ms. Quirk draft a Town Meeting article keeping Mr. Greenberg's edits in mind, and forward the article to all interested parties. Ms. Quirk will put the matter on the December 8 agenda and formally invite the Historical Commission to the discussion; the Select Board has already asked the PB to discuss the issue at their January 5 or 19 meeting.

Jim Kelliher and Nancy McBride of the Historical Commission and Wendy Bawabe, of the Norwell Historical Society, joined the discussion about halfway through. Mr. Kelliher asked why they had not been formally invited, and stated there were only two demolition delay hearings a year and few actual delays. Mr. Mauch noted this was a preliminary discussion on changes that had just been written up; the changes had more to do with the process problems impacting residents and Inspector Barry, particularly the lack of a definition of "demolition" in the bylaw. Mr. Kelliher agreed this was an issue and stated it had been discussed at Commission meetings.

Mr. Greenberg added that his main concern was that the lack of a definition seemed to result in Historical weighing on issues, such as construction materials and interior details, having nothing to do with preservation of the structure. Mr. Kelliher noted that this also put the Commission in a difficult position, and indicated they wanted to be a part of the rewrite.

Ms. McBride added that the Commission had been talking with Town Counsel and Town Administrator Peter Morin about revisions to the bylaw and was disappointed at not hearing about Mr. Greenberg's revisions earlier. Chair Sullivan reiterated that this was a preliminary discussion and he himself had just read the revisions today. Mr. Greenberg added that he had written up the changes himself without knowledge of any other discussions.

Ms. Bawabe agreed that the demolition bylaw was due for some updating, but noted previous revisions had been led by the Historical Commission. Mauch replied it was not the intent of the PB to bypass other parties but simply to improve the bylaw, and the next steps in the process would involve all interested parties. Ms. Quirk indicated that she would circulate a draft warrant article to the PB, Historical Commission, Mr. Barry, and the Select Board and place the matter on the December 8 agenda.

MISCELLANEOUS

Planning Payroll

The Board voted to authorize Ms. Quirk to review and sign payroll sheets between meetings.

Motion by Mr. Mauch to authorize the Interim Planning Director to review and sign payroll sheets. Duly seconded and unanimously voted.

Hitching Post Lane Status

Ms. Quirk advised, notwithstanding the Board vote to endorse and record the plans for this open-space residential development, that several prerequisites for endorsement had not been met, including unaddressed issues raised by peer reviewer John Chessia as well as issues with Homeowner Association documentation and easements. The Board authorized Ms. Quirk to draft an agreement with the buyer and developer to address the remaining issues.

Motion by Mr. Greenberg to authorize Ms. Quirk to draft an agreement with the developer and buyer of property regarding Hitching Post Lane endorsement and construction issues, with the latter to be incorporated into the SWPPP, and make any necessary changes to the endorsement sheets. Duly seconded and approved by a 4-0-1 margin, Mr. Mauch having abstained.

Building Permit Sign Off Procedures for Land in the Aquifer Protection District

The Building Department wants the PB to sign off on permits in the Aquifer Protection District, where lots cannot exceed 15% impervious surface; this may create issues with any Open Space Residential Developments (OSRDs) in the district, which are more densely constructed than conventional subdivisions. Ms. Quirk recommended that the Board develop a policy regarding sign-offs in this situation.

Permanent Bylaw Review Committee

The Board continued its discussion regarding establishing a permanent Bylaw Review Committee, with Mr. Mauch suggesting that the Board obtain ZBA and Conservation Commission buy-in prior to presenting the idea to the Select Board. Ms. Quirk will add the matter to the December 8 agenda and contact ZBA Chair Lois Barbour and Conservation Commission Chair Marynel Wahl.

Appointment of Pathway Committee members under GBL Chapter 4 Section 4-1.E

Potential re-appointment Jim Kelliher

Potential re-appointment Heather Hanley

Potential re-appointment Roy Bjorlin

Ms. Quirk recommended that the matter be tabled pending the receipt of additional information. Mr. Kelliher, who was present to discuss another matter, advised that he would not be seeking reappointment to the Pathways Commission.

Planning Board Workshop Discussion

Ms. Quirk distributed a case law review she recently authored and would like to have regular discussions with the Board so members are up to speed on legal issues.

Ms. Quirk noted that completion of a Mullin affidavit, allowing a Board member to miss one public hearing but still vote on an application, requires an audio/video recording or transcription of the meeting for the member to review. All present discussed how to create an audio or video record of sufficient quality.

Ms. Quirk advised all Board members to get Town e-mails for Board business to protect their personal or business e-mails from exposure to discovery in the event of litigation.

NEXT MEETING

December 8, 2021 – Town Hall, Room 112, 7 pm

Chair Sullivan declared the need to go into executive session to discuss strategy regarding potential litigation concerning existing contracts, as the discussion of same could have a detrimental effect on the litigating position of the Planning (as would identification of the contract).

Motion by Mr. Greenberg to poll into Executive Session for reasons declared by the Chair and not return to the Public Meeting. Duly seconded and unanimously voted by Roll Call: Sullivan, aye; Greenberg, aye; Tobin, aye; Woodland, aye; Mauch, aye.

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 12/22/21.


George Woodland, Clerk

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