



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

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

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

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

### **APPROVAL OF MINUTES**

Tabled

### **BILLS**

None

### **CITIZEN COMMENTARY**

None

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

#### **55 Accord Park Drive\* 7 pm Cont. Public Hearing Site Plan ZBL §201-27.1.A**

(Assessors Map17, Parcel 70)

Accord Park Econ. Dev. District

**Project:** Expand office/warehouse space by 13,000 s.f.

Cordwainer Drive Subdistrict

*Motion by Mr. Greenberg to open the continued public hearing. Duly seconded and unanimously voted.*

Ms. Quirk is still working on the draft decision and conditions of approval. She has notified applicants, and they have agreed to a continuation.

*Motion by Mr. Greenberg to continue the public hearing to February 9 at 7:00 PM. Duly seconded and unanimously voted.*

### **Schooner Estates Subdivision**

Surety Reduction Request (Covenant –Release Lot 3, Lot 7 and Lot 9. (Utility Pole Issue)\*

Project: 12 Lot Subdivision (3 existing/9 new)

Approved: Def. Sub. Approval: 8/30/2019

Def. Sub. Plan End: 2/12/2020

John McSharry present for Stetson Road LLC along with Al Loomis, McKenzie Engineering. Ms. Quirk advised that consulting engineer John Chessia had done a surety review and raised issues with the SWPPP and stone wall. Zoning violations concerning a garage on a previously developed lot have been addressed and the lot's driveway has been relocated onto the subdivision road. The old driveway opening onto Stetson Road will be filled in with stone wall, and utility pole by the subdivision entrance has been removed. Mr. Loomis would like to use silt sock instead of a drainage swale in front of several lots, as the ground is frozen.

Ms. Quirk noted that the surety reduction request referenced lots 3, 7, and 9 but lots 3 and 9 were released at the December 22 meeting. Mr. McSharry asked the Board to release lot 7 from surety and indicated they would be asking for others in the near future.

*Motion by Mr. Mauch to approve the surety reduction request for Lot 7. Duly seconded and unanimously voted.*

### **111, 113, 119 Washington Street\* Public Meeting Site Plan Review**

Assessors Map 11, Lots 11-13 Project: Addition/Drive-Thru Pharmacy

Ms. Quirk met with the project engineer last week, but she did not receive a filing from them. Their zoning relief has expired, and they are coming back with the same plan; they have asked whether another peer review would be required. Chair Sullivan was unaware of any zoning regulations that may have changed, but all preferred to see the plans before deciding if additional peer review was needed

### **144-148 Washington Street\* Public Meeting Site Plan Review**

Assessors Map 19, Parcels 18 & 19 Recommendation to ZBA\*

Business B3; Aquifer Protection District

**Project:** New building for daycare/preschool

Ms. Quirk circulated a draft ZBA recommendation letter advising applicant had provided insufficient information to the peer review engineers for the PB to issue a positive recommendation. Ms. Quirk also learned that the property is not zoned for for-profit educational use, and has noted this in the letter.

*Motion by Mr. Greenberg to adopt the draft decision as amended. Duly seconded and unanimously voted.*

### **TOWN MEETING PREPARATIONS - POTENTIAL ZONING ARTICLES**

#### **Demolition Delay Zoning Bylaw Amendments**

Mr. Mauch noted that, in conversations about the bylaw amendment, he and Ms. Quirk agreed that the Building Inspector had the discretionary authority to define terms such as "demolition," as long as the definition was reasonable, and thus already had the ability to determine which cases required referral to the Historical Commission for a demolition delay hearing. Mauch wrote Building



Inspector Tom Barry proposing that, rather than risk having the article defeated at Town Meeting, the PB issue written guidance defining “demolition” for the purpose of referrals. Mr. Barry wrote he had tried that approach before and would prefer passage of the article, but later indicated some willingness to try again. Mr. Mauch also checked with Town Counsel as to whether defining “demolition” as suggested was legally defensible, but TC has not yet replied.

Mr. Mauch then read a statement that although none of the stakeholders in the issue—the Select Board/Town Administrator, Building Commissioner Barry, and the Historical Commission—disputed the need for changes to the bylaw, behind the scenes political animus, including use of the bylaw as de facto 40C and architectural review bylaws, had led to a stalemate in the matter that it was up to them to resolve.

All present discussed how to proceed, with Chair Sullivan preferring to wait for TC’s response and Mr. Tobin not wanting to withdraw the article. Mr. Greenberg opined that withdrawing the article would be an admission of defeat, but would like to avoid a “floor fight” at Town Meeting if possible. However, he also sensed Mr. Barry wanted something more than just written guidance to rely upon in making referrals. Ms. Quirk added that Town Administrator Morin as hoping for some additional discussion between the PB and Select Board on the issue.

All agreed to keep the article in the warrant pending further developments; the Board also voted to adopt the January 22 draft of the bylaw, which provides a definition of “demolition” but leaves out all other changes, and authorized Ms. Quirk to circulate the January 22 draft to the Select Board, Building Inspector, and Historical Commission and advise all that further discussion had been tabled.

*Motion by Mr. Greenberg to adopt the January 22, 2022 draft of the Demolition Delay bylaw. Duly seconded and unanimously voted.*

*Motion by Mr. Mauch to table any further discussion or action on the article until the stakeholders have demonstrated a willingness to reach the compromises needed to proceed. Duly seconded and unanimously voted.*

*Motion by Chair Sullivan to authorize the planner to circulate the January 22, 2022 draft of the bylaw to the Select Board, Building Inspector, and Historical Commission and advise them of the vote to table the matter. Duly seconded and unanimously voted.*

### **Potential Public Way Acceptance Petitions**

*Holly Way / Cowings Lane*

Ms. Quirk has put in a placeholder article for Cowings Lane, but no petitions have been received for either street to date.

### **MISCELLANEOUS**

Town Administrator Peter Morin has talked with Ms. Quirk about extending her contract.

### **SUBCOMMITTEE LIAISON UPDATES**

None

### **NEXT MEETING**

February 9<sup>th</sup>, 2022 – Town Hall, Room 112, 7 pm

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**ADJOURNMENT**

*There being no further business, motion was made by Mr. Tobin to adjourn at 8:19 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

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