



PLANNING BOARD
TOWN OF NORWELL

Post Office Box 295
Norwell, Massachusetts 02061
(781) 659-8021

**Norwell Planning Board Meeting Minutes
3/22/17 Open Session**

The meeting was called to order at 6:45 P.M. with Vice Chair, Donald Mauch, Sr., presiding and Board Members Scott Fitzgerald, Patrick Campbell, and Kenneth Cadman. Unable to attend was Jamie Crystal-Lowry. The meeting was held in the Planning Office.

Motion by Mr. Campbell to open the meeting. Duly seconded and unanimously voted.

Motion by Mr. Campbell to poll in to Executive Session at 6:46 PM to discuss pending litigation and then return to Open Session. Seconded by Mr. Cadman, and a roll call vote was taken: Mauch, aye; Fitzgerald, aye; Campbell, aye; Cadman, aye.

The Board returned to open session 6:58 PM

Agenda

After a motion was duly made and seconded, it was unanimously voted to approve the agenda as submitted.

Minutes

The minutes from the 2/8/17, 2/22/17, and 3/8/17 meetings were distributed. Discussion of the 3/8/17 minutes was tabled until the next meeting.

Motion by Mr. Cadman to approve the Minutes of the 2/8/17 and 2/22/17 meetings. Duly seconded and unanimously voted.

Bills

The following invoices were presented for approval:

Chessia - 103 Washington	\$ 1050.00
Chessia - Wildcat	\$ 996.00
Chessia - 370 Washington	\$ 240.00
Bond Printing	\$ 143.72
Highway Safety Systems	\$ 1000.00

Motion by Mr. Campbell to approve the invoices as presented. Duly seconded and unanimously voted.

RECEIVED
TOWN OF NORWELL
2017 JUN 15 AM 9:41

2017 ATM Warrant Articles - Bylaw

Three members of the Bylaw Review Committee met with the PB to review proposed Town Meeting warrant articles pertaining to bylaw amendments. The first proposal was a technical amendment to flood plain language required by FEMA.

Motion by Mr. Fitzgerald to advertise for a public hearing to revise the FEMA/Flood Plain article. Duly seconded and unanimously voted.

Committee Chair Sally Turner then reviewed proposed revisions to the OSRD definitive bylaws. The PB in particular discussed a passage pertaining to the "rights of private property owners." Mr. Campbell suggested that the authors be prepared to speak to this passage, as it may be in need of clarification. He felt the rest of the article was straightforward as written.

Motion by Mr. Campbell to approve the recommended revisions to the OSRD definitive bylaws as approved by the Bylaw Review Committee and submitted. Duly seconded and unanimously voted.

Committee Vice-Chair Lois Barbour spoke regarding a proposed signage bylaw from the Building Inspector. The drafting subcommittee and Board of Selectmen felt the article's wording was ambiguous, and may not actually accomplish its purported intent. Ms. Barbour and Ms. Turner felt that the article may be redundant.

Mr. Mauch also expressed concern that the article may be duplicative, as there is already an enforcement section in the Zoning bylaws. He also noted there was not enough time to wait for revisions and then schedule a public hearing in time for the article to appear on this year's warrant. He proposed running a placeholder ad for a public hearing to allow for its possible inclusion on the warrant.

Motion by Mr. Campbell to call for a public hearing with regard to the signage article, advertise for a public hearing as a placeholder, open the hearing, and then decide how to proceed. Duly seconded and unanimously voted.

Winter, Cross & Old Oaken Bucket Road (Kopacz) pre-application conference

Greg Morse, of Morse Engineering, applicant John Kopacz, and Attorney Walter Sullivan were present. Also present were approximately 25 area residents. Mr. Mauch advised all attending that the present matter was a pre-application conference and that a public hearing would take place later in the permitting process.

Mr. Morse presented two proposals for development of the 85-acre property. The first was for 33 mostly half-acre lots with half the land, primarily working bogs, set aside as open space; the second was for 27 acre-plus lots without the open space set-aside. He also proposed the filling of three upland bogs.

Mr. Kopacz stated that the goal of the half-acre proposal was to sustain the existing farm and public access areas, noting he has always kept the bogs open since he's owned them. Mr. Campbell asked where the farming facilities would be located. Mr. Kopacz cited a couple of possibilities, including an already-existing barn or off Cross Street. Mr. Mauch noted a

requirement that agricultural land must be reconverted to wetland, and questioned the inclusion of the working bogs as open space. Mr. Morse pointed out that the plan included two acres of walking trails along the bogs.

Mr. Mauch additionally noted that he had recently received four pages of commentary from the Conservation Commission, and read a letter from Police Chief Theodore Ross citing concerns over the proposed development due to traffic issues in the area.

Mr. Campbell asked whether a black dividing line drawn through the bogs reflected the property's geology/hydrology or was specifically drawn to establish a 50/50 open space/development ratio. Mr. Morse stated the line's location was the result of looking at the open space requirements, and that it may be moved further to the west to run along the bog.

Several residents stated that they wanted a chance to ask questions. Mr. Mauch noted that they will have the chance to do so at the public hearing.

Mr. Mauch asked whether the PB wished to continue the conference due to time constraints. Mr. Sullivan advised that his client would like to move forward and assured the PB that all abutters would be duly notified going forward. After further discussion, the consensus of the PB was that the information presented was sufficient to close the conference.

370 Washington Street: Special Permit & Site Plan Review

Applicant Carlo Agostino was present, along with engineer Brad McKenzie. Mr. McKenzie presented a site plan for applicant's proposed retail store with provision for 16 parking spaces. As it is a nonconforming lot and structure, they have filed for a variance with the Zoning Board, with a special permit hearing scheduled for April 5.

Mr. Agostino told the PB that he hoped to keep his business in Norwell, and thinks the store will complement the area businesses. He also noted that he will be using the second story for office space and storage, not renting it out.

John Chessia, consulting engineer for the PB, summarized potential issues, noting in particular that the lot adjoins a cemetery that is zoned residential. He also reviewed possible setback issues and landscaping/planting requirements for Route 53 businesses. Mr. Agostino has hired a landscape architect who will address any planting issues.

Mr. Campbell noted that a parking analysis approach makes sense for a mixed-use retail proposal. The second floor can't be used for retail, so it is really a one-floor retail building. Mr. Fitzgerald stated that the proposed building would be a considerable improvement over what is currently on the property. Mr. Mauch also praised the proposed building's appearance.

Mr. Mauch proposed that the PB support in concept the plan presented and convey this in writing to Zoning. A site plan review hearing was then scheduled for April 26.

Motion by Mr. Campbell to support the site plan/concept as submitted in the documents of the meeting and convey support for zoning relief to the Zoning Board. Duly seconded and unanimously voted.

Wildcat OSRD: Street Acceptance Request & As-Built plans

Jay Gallagher, Attorney Jeffrey Angley, and engineer Brad McKenzie were present. The as-built component of the discussion was postponed to a later meeting.

Attorney Angley requested that the PB sign an affidavit certifying to Selectmen that Highfield Lane, Bayberry Lane, Summit Drive, and Lot Phillips Lane are so constructed as to be in compliance with the PB's rules and regulations. He noted that time was of the essence, as PB certification is needed in order to schedule a Road Acceptance hearing with the Board of Selectmen.

Consulting Engineer John Chessia advised the PB that the pavement, gravel, and drainpipes on these ways were properly done but that a number of finishing touches, including shoulders and boundaries, remained to be done. He said there were clearly adequate funds to complete the work, but it was up to the PB as to whether to require completion in full before signing the affidavit.

Mr. Mauch noted that the road infrastructure is such that it could be certified, but expressed concern about signing off without all the special permit conditions having been satisfied. Mr. Campbell asked who would own the storm drain utility issue if the PB endorsed the street acceptance in its present condition. Attorney Angley replied that it was very clear that stormwater drainage was the responsibility of the HOA.

Jay Gallagher estimated the total cost of all the remaining work to be around \$2500, and stated that the delays to completion were a matter of scheduling the work around the weather and residents. Attorney Angley added that the remaining work would be completed by town meeting.

Mr. Mauch asked Mr. Chessia if he was satisfied with the overall road infrastructure, who replied that he was as to the basic road base and painting. After further discussion, PB consensus was in favor of moving forward based on the work completed.

Motion by Mr. Fitzgerald that the Planning Board certify in writing to the Selectmen that Highfield Lane, Bayberry Lane, Summit Drive, and Lot Phillips Lane are well built and so constructed that they are at least equal to the average construction of existing highways of the town, with proper grades in relation to the abutting land and connecting streets, and that it conforms with the Planning Board's Rules and Regulations. Duly seconded and unanimously voted.

427 Main Street: OSRD Special Permit Hearing

This applicant requested postponement to 7:30 PM on 4/12.

Motion by Mr. Fitzgerald to postpone the continued OSRD SP hearing until 7:30 PM on 4/12/17. Duly seconded and unanimously voted.

58 Mount Blue Street Stone Wall Removal

Mr. Mauch advised that he has been in touch with the property owner, who is willing to restore the stone wall and cooperate with the PB to resolve any issues. He is scheduled to come in on April 26 with an after-the-fact application.

Building Permit Sign-off requests, existing subdivisions

Brian Nihill requested a pre-permit sign-off for two lots on Island View Circle, subdivided in 1984 and approved in 1997. He is looking to build a single-family home on the property.

After some discussion as to the continued validity of a permit issued in 1984 and whether to refer the question to Town Counsel Galvin or Consulting Engineer Chessia, the PB decided to sign off on the pre-permit review.

Motion by Mr. Campbell to sign off on the pre-permit review for 34 Island View Circle. Duly seconded and unanimously voted.

Committee Liaison Position Update

Bylaw Review

Postponed

Adjournment

There being no further business, a motion was made by Mr. Campbell to adjourn the meeting at 9:56 P.M. Duly seconded and unanimously voted.

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 6/14/17.

Scott Fitzgerald, Clerk

2017 JUN 15 AM 9:41
RECEIVED
TOWN OF HONOLULU
PLANNING DEPARTMENT

