



**PLANNING BOARD
TOWN OF NORWELL**

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**Norwell Planning Board Meeting Minutes
January 25, 2017**

The meeting was called to order at 7:00 P.M. with Chair, Jamie Crystal-Lowry presiding. Also present were Vice Chair, Donald Mauch, Sr., and Board Members Scott Fitzgerald, Patrick Campbell and Kenneth Cadman. The meeting was held in the Planning Office.

Agenda

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

Minutes

Acceptance of the minutes for the December 14, 2016 and January 11, 2017 meetings were tabled until February 8, 2017 pending their completion.

Bills

The following invoices were presented for approval:

Chessia Consulting – 103 Washington Street	Invoice #1662	\$ 299.50
Chessia Consulting – Bay Path Ln. Ext. Rev. Fee	Invoice #1667	\$ 115.00
Hi Way Safety Systems – Pathway	Invoice #22228	\$1,000.00
Horsley Witten – Bike Path thru 10/30/16		\$1,226.77

After a motion was duly made by Ken Cadman and seconded, it was unanimously voted to approve invoice #'s 1667 for \$115, and 1662 for \$299.50 while tabling invoice #22228 and the Horsley Witten invoice pending signatures of approval by the Pathway Committee on February 15, 2017.

Project Status Update

John Chessia of Chessia Consulting summarized a meeting with Vice Chair Mauch on all pending engineering-related matters regarding active subdivision activities, OSRD's, ANR's, street acceptance applications, pending as-builts and all other pertinent Planning Board matters.

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427 Main Street OSRD Special Permit (Continued) Public Hearing

Chair Jamie Crystal-Lowry opened the Continued Public Hearing ("Hearing"), for a Special Permit for the Open Space Residential Development (OSRD) located at 427 Main Street.

Applicant Russell Campanelli's Engineer, Brad McKenzie from McKenzie Engineering Group, Inc., summarized for Planning Board members all of the requisite content submittals relating to the OSRD's Form "O" Special Permit filing including the Yields Plans and Development Plan. Mr. McKenzie further described previous discussions he had had with the Planning Board regarding a number of submittal issues raised during the Pre-Application Conferences, requested waivers, and several discussions with the Planning Board's Engineer, John Chessia.

Mr. McKenzie conveyed a discussion he had had with Water Superintendent, Jack McKinnis, who expressed his opposition to the installation of a water service from Main Street given that the road had been newly reconstructed and paved. As an alternative, both gentlemen agreed that an easement could accommodate the construction of a water line from the public standpipe to the proposed lots thereby obviating the necessity to disturb Main Street. McKenzie stated that to subsidize the additional cost of this undertaking was reflected in two additional proposed building lots.

Additional discussion was held on several other aspects of the project including a recurring issue with the project's Main Street entrance and egress impacts on the wetlands. McKenzie presented four (4) possible alternatives, two (2) requiring Planning Board waivers and two (2) that did not. These were taken under advisement.

Mr. McKenzie then expressed on behalf of Applicant Campanelli, his concern over the fact that Planning Board Member Patrick Campbell was recusing himself from the Special Permit Hearings and that since a super-majority would be required to issue such permit, all four (4) of the remaining Planning Board members would have to vote in favor of the project. As a result, McKenzie urged Planning Board members to consider appointing a temporary alternate to the Board. Chair Crystal-Lowry told McKenzie that such a request had never been made previously and that there was always the question of whether or not the Planning Board's Bylaws, or Town Bylaws or Charter permitted doing so. The request was taken under advisement.

Planning Board members received a memorandum from Board of Health Agent Brian Flynn, responding to the proposed project citing that the test pit locations and soil logs have not been included, and the use of an easement for the sewer line leading to a shared leaching area and requiring BOH approval had not been granted in the recent past. Agent Flynn suggested that Mr. McKenzie schedule himself on their agenda to discuss the project in the near future. A copy of the memorandum was provided to Mr. McKenzie.

103 Washington Street (Hajjar): Letter to ZBA Re: Submission Status

In response to a request from Attorney Walter Sullivan, Jr. on behalf of Applicant Hajjar, the Planning Board advised him that the project was before the ZBA and has been tabled pending any further action from the Planning Board.

Chair, Crystal-Lowry and Vice Chair, Mauch discussed the plan submitted. They noted that the Planning Board had previously ruled that the lot does not exist and as such, there is nothing to adjudicate or upon which to take further action. The Board's comment is that there is "no comment," thereby deferring any further consideration of the filing to the Zoning Board of Appeals.

A letter is to be drafted to the ZBA and emailed to Chair, Crystal-Lowry for review and signature stating the same.

Glenn Ferguson, Norwell Highway Director, Prospect Street Scenic Bylaw Violations and Fine - Discussion

Highway Director Glenn Ferguson appeared before the Planning Board to request that the fine that had been levied against the Highway Department for Scenic Road violations on Prospect Street several months earlier be reconsidered and waived. Before any exchange ensued, Vice Chair Mauch recused himself from the proceedings.

A brief discussion followed during which Director Ferguson stated that statutorily he had State authority to remove whatever trees he deemed necessary and that such authority preempted local bylaws. The Planning Board then requested Mr. Ferguson obtain legal evidence of his assertion and provide it to them upon which they would be open to reconsideration of the matter.

Adjournment

There being no further business, after a motion was duly made and seconded, it was unanimously voted to adjourn the meeting at 9:10 P.M.

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on March 8, 2017.



Scott Fitzgerald, Clerk

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