

Office of the Planning Board
& Town Planner

TOWN OF NORWELL
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Norwell Planning Board Meeting Minutes 2/28/2018

The meeting was called to order at 7:00 P.M. with Chair Donald Mauch, Sr., presiding. Also present were Board Members Scott Fitzgerald and Brendan Sullivan, and Town Planner Kenneth Kirkland. Vice-Chair Jamie Crystal-Lowry attended by speakerphone. Unable to attend was Member Patrick Campbell. The meeting was held in the Planning Dept. Office.

CALL TO ORDER/AGENDA

Mr. Kirkland noted for the record that Vice Chair Crystal-Lowry was attending remotely.

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

APPROVAL OF MINUTES

The minutes of the January 24, 2018 meeting were distributed and reviewed.

Motion by Mr. Sullivan to approve the Minutes of the January 24, 2018 meeting as submitted. Duly seconded and unanimously voted.

BILLS

The following invoices were presented for approval:

Forest Ridge	Account closure	\$21,310.76
	Review account release	\$8.92
Christopher Sullivan	Meeting Minutes	\$150.00
W.B. Mason	Supplies	\$91.09
Black Horse Lane OSRD	Account closure	\$3,171.05
Chessia Consulting	Old Oaken Bucket Estates	\$2,932.00
Gatehouse Media	Public hearing legal ad	\$617.76

Mr. Kirkland advised that he had been able to locate Russell Campanelli, the Applicant for the Black Horse Lane OSRD that had been withdrawn, and thus that proposal's review account could be closed. Previously approved surety releases were also circulated to the Board members present for signatures.

Motion by Mr. Fitzgerald to approve the invoices as submitted. Duly seconded and unanimously voted.

SUBDIVISIONS AND LAND DEVELOPMENTS

Site Plan, Scenic Road, Lot 1, Green Street

Motion by Mr. Fitzgerald to open the public hearing. Duly seconded and unanimously voted.

Mr. Fitzgerald read the Notice of Public Hearing. Applicant Sean Donovan present, along with several area residents. Mr. Mauch advised all present that this hearing strictly concerned the Applicant's request to remove 16 feet of stonewall on the site, and asked that questions be limited to that subject.

Mr. Kirkland advised that the request before the Board involved the removal 16 feet of stonewall to install a driveway for a proposed building lot and drainage pipe. The lot had been created through an ANR endorsed by the Board in December. He indicated the request was straightforward in the sense that the rock wall was half in, and half out of the right of way. He had spoken with Highway Surveyor Glenn Ferguson with regards to the proposed culvert, who requested that the Applicant work with him to work out culvert's dimensions and make sure it works with the larger system.

Mr. Kirkland had made two site visits to observe the wall. The rocks were mostly misshapen, and there were few rocks in the actual work area. He added that there were no significant trees in the work area to be removed. In response to a question from Mr. Mauch, Mr. Kirkland indicated the largest tree in the work area was about 6 inches thick. He concluded that the rock wall in question was not one that the bylaw was intended to preserve.

Mr. Kirkland advised that the Applicant had stated any stones removed would be added to the remaining stonewall. He felt it would be unnecessary to have granite posts at the opening due to the lack of wall structure. He recommended approval of the request with the conditions that the applicant (1) provide a notarized affidavit stating that all removed stones from the subject work area would be reintegrated into the remaining stone wall in as natural a state as possible, and (2) work with Highway Surveyor Ferguson regarding the installation of the culvert.

Mr. Mauch asked about the number of developable lots and future requests for openings on these lots. Mr. Donovan indicated there were three and a half developable lots; there may be another request in the near term but it would depend on whether an economically viable home could be built on the lot in question. In response to a follow-up question from Mr. Mauch, Mr. Donovan characterized the condition of the walls on his remaining lots as not well tended.

At this point, the meeting was opened to questions from the public. Patricia Crumley, 48 Green Street, expressed concern about construction at the site destabilizing the road. Mr. Mauch advised that this would be an engineering question best addressed to Highway Surveyor Ferguson. Mr. Donovan added that issues around the construction site had been well vetted by the Conservation Commission.

Ms. Crumley also noted that the previous owner of the property did not try to develop it, and expressed concern about overdevelopment of the area. Mr. Mauch advised this topic was beyond the scope of the hearing, but felt the current Board had been diligent about maintaining the rural aspects of the Town.

Elizabeth McSweeney, 346 River St., asked how the wall was determined to be not scenic and not covered under the bylaw. Mr. Kirkland noted that he had made the determination in his report, but the bylaw did not define specific criteria. Mr. Sullivan pointed out that the stonewall at the site had not been maintained for years, unlike the one across from Ms. McSweeney's own property, which had been maintained. Mr. Sullivan added that where and how the rocks lie was an additional distinction. Mr. Mauch acknowledged there was a certain amount of subjective evaluation involved in the process.

In response to a second question from Ms. McSweeney about what the Town had to gain by approving the request, Mr. Mauch pointed out that a property owner has right to do with their property what they wished as long as they complied with the bylaws. He noted that this applicant had worked with the Planning Department to make sure they were in compliance, and that Mr. Kirkland had performed his due diligence in visiting the site. Therefore, what the Town gained was affirming the freedom that exists with owners to do as they please with their property provided they comply with the regulations.

In response to a question from Cary Wolinsky, Mr. Mauch indicated that questions about the construction process and the equipment used should be directed to the builder, Highway Surveyor Ferguson, or the Conservation Commission.

Mr. Mauch added in closing that he felt it was outside the Board's authority to condition approval upon the Applicant working with Mr. Ferguson on the culvert design; as such authority was not given in the scenic road bylaw. Mr. Donovan pointed out that this issue had been addressed in the site plan submitted to the Conservation Commission.

Motion by Mr. Fitzgerald to approve the application submitted by EMET Holdings LLC for Lot 1, Green Street. Duly seconded and unanimously voted.

Motion by Mr. Sullivan to close the public hearing. Duly seconded and unanimously voted.

MISCELLANEOUS

Mr. Mauch advised that Member Campbell had requested to submit some edits to the 2017 Planning Board Report. Though the deadline for changes had passed, Member Sullivan asked if the deadline had been previously conveyed to PB Members when the Report was initially distributed. Mauch said he was unsure but would check with Planner Kirkland and if not, he would make a request to extend the deadline so as to accommodate members who desired to submit edits for the PB's consideration. If the extending the deadline was not possible, Mauch stated that this should be noted for the following year.

Committee Liaison Reports

Pathway

Mr. Sullivan advised that the Pathway Committee recently held a second meeting on the Wompatuck parking lot and access road project; a separate meeting between Staff, the Chair, Member Sullivan, and DCR officials yielded an expression of interest in the project and possible attendance at additional Committee meetings.

Bylaw Review

Mr. Mauch advised that there would be a warrant item at Town Meeting to approve spelling and grammar changes in the bylaws, as well as individual articles for more substantive changes.

Complete Streets

Mr. Kirkland advised that Complete Streets was still waiting for written confirmation from MassDOT regarding their grant for the Main Street sidewalk.

Chair Mauch first recused himself from the PB Complete Streets liaison discussion by Planner Kirkland, after which in the capacity solely as a resident, stated that after previously recusing himself from a discussion regarding the Complete Streets funding of the Main Street sidewalk, he felt the expenditure of \$500,000 to extend this sidewalk from South Street to Circuit Street, thereby committing to further funding thereafter to the town's center, was ill-advised. He stated that no attempt had been made to quantify the projected utilization rate of this extension particularly in view of the fact that hardly any one uses the new sidewalk from South Street to the Hanover town line. He pointed out that anyone familiar with living on Main Street knows all too well how narrow and dangerous the road is, sidewalks or not, given the traffic volumes of large semi-tractor trailer trucks and other vehicles. Conversely, Mauch stated that the pathway to the back of his home was very well used and a good use of money, which according to the former Town Planner was conceived to eliminate the need for pedestrian use along Main Street.

Acting Chair Crystal-Lowry noted these comments, and suggested that such a discussion be an agenda item at a Complete Streets meeting. Mr. Mauch indicated that legally according to the Town's Bylaws, Rules and Regulations, Public Ways, there should be a meeting with abutters before any RFP goes out. Following the discussion, Mauch reassumed his PB role as Chair.

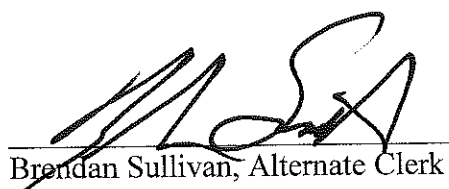
CPC

Ms. Crystal-Lowry briefly advised that she was not present at the CPC meeting last week and would have more to report at the next meeting.

Adjournment

There being no further business, motion was made by Mr. Fitzgerald to adjourn at 8:03 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 March 28, 2018.


Brendan Sullivan, Alternate Clerk

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 Planning File

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