

Office of Planning Board &  
Town Planner

**TOWN OF NORWELL**  
Norwell Town Offices, Room 112  
345 Main Street  
Norwell, Massachusetts 02061  
(781) 659-8021

RECEIVED  
 2018 JUN -7 AM 11:52  
 TOWN OF NORWELL  
 TOWN CLERK

## Norwell Planning Board Meeting Minutes 4/25/2018

The meeting was called to order at 7:00 P.M. with Chair Donald Mauch, Sr., presiding. Also present were Vice Chair Jamie Crystal-Lowry; Board Members Scott Fitzgerald, Patrick Campbell and Brendan Sullivan; and Town Planner Kenneth Kirkland. Mr. Campbell arrived at 7:10 PM. Mr. Fitzgerald left at 8:45 PM. The meeting was held in the Planning Office.

### CALL TO ORDER/AGENDA

*Motion by Ms. Crystal-Lowry to open the meeting. Duly seconded and unanimously voted.*

### APPROVAL OF MINUTES

The minutes of the April 11 meeting were distributed and reviewed.

*Motion by Mr. Fitzgerald to approve the Minutes of the April 11 meeting as amended. Duly seconded and unanimously voted.*

### BILLS

The following invoices were presented for approval:

Christopher Sullivan	Meeting Minutes	\$150.00
Plymouth County Reg. of Deeds	Subdivision Rules Recording Fee	\$77.00
Chessia Consulting	Plan Review Old Oaken Bucket Estates	\$538.00

*Motion by Ms. Crystal-Lowry to approve the invoices as submitted. Duly seconded and unanimously voted.*

### SUBDIVISIONS AND LAND DEVELOPMENTS

**Old Oaken Bucket Estates - 27-Lot Residential Subdivision**  
Assessor's Map 9D, Block 49, Lots 1, 35, 62, & 65

Applicant John Kopacz; Greg Morse, Morse Engineering; Attorney Walter Sullivan; and PB consulting engineer John Chessia present. Also present were about 6 area residents.

*Motion by Ms. Crystal-Lowry to open the continued public hearing. Duly seconded and unanimously voted.*

Chair Mauch advised all present that the hearing would start off with Mr. Morse's presentation, after which he would take questions from the Board. Mr. Chessia would then offer comments and take questions from the Board, and then questions from the public would be taken.

Mr. Morse advised their revised site plans were dated 4/3/18, and had addressed comments from Mr. Chessia's first review; Chessia has since conducted a second review. Construction will take place in separate phases for the roadway and individual lots. Clearing will be limited in the lot construction process for erosion control.

In the revised plans, they are adjusting the grading on Road B down to 3%, adding landscape islands to the two cul-de-sacs, increasing the size of the detention basin at the development entrance, and revising the basin at the end of Road C. They have also revised a particle separator near Lot 27 and conducted hydrant flow testing with results provided to the Water Department.

The Applicants will be appearing before the Conservation Commission on May 1 to discuss a wetlands replication area and bird enhancement plantings near Lot 27. Ms. Crystal-Lowry asked what would happen with these areas if Lot 27 were sold to a private owner. Mr. Morse indicated that a requirement to maintain the area would be set forth in the Commission's Order of Conditions and be recorded in the deed. In response to a question from Mr. Campbell, Mr. Morse indicated that these areas could probably be carved out of the private lot, but Attorney Sullivan noted that the Conservation Commission might prefer that a private homeowner maintain the areas. They will relay the Commission input back to the PB.

At this point, Mr. Morse discussed an issue raised by Mr. Chessia regarding the intersection of Road A with Cross Street. It had been noted that the grade of Cross Street at the proposed intersection exceeds the 3% allowed under the regulations. They have prepared a plan with an alternative intersection that meets this requirement but is not perpendicular to Cross Street and is closer to a nearby wetland.

They are requesting a waiver to allow the original intersection, as (1) they feel traffic would turn more quickly into the alternative intersection since it is not perpendicular to Cross Street; and (2) the alternative design pushes the roadway inside 100 ft buffer and brings Lot 27 closer to the bogs and riverfront.

Ms. Crystal-Lowry asked if it were possible to have a perpendicular intersection by adding a second turn just inside the development and possibly eliminating Lot 27. Mr. Morse indicated that would cut the road into the wetland and would require a waiver from regulations concerning 100-foot tangents.

In response to a question from Chair Mauch, Mr. Morse indicated that the grade at the proposed location of the intersection was about 3.3%. Responding to Mr. Campbell, he advised that the location of the alternative intersection could not be moved closer to the original intersection and still comply with the grading requirement. In response to further queries from Members Mauch and Campbell, Mr. Morse indicated it might be possible to slightly alter the angle of the intersection at the alternate location by shifting the position of the road within the right of way.



Mr. Morse noted that McMahon & Associates based their traffic analysis on the intersection as originally laid out; the report noted the concern about the slope on Cross Street but indicated the intersection was safe as designed. He added that a similar waiver had been granted at other intersections in Town.

At this point, the hearing was opened to questions from the public. Karen Joseph asked whether the requested waiver would benefit the developers more than the public. Chair Mauch indicated he would assume this to be true when developers asked for one, but that the Board also weighs the public benefit in considering all waivers.

Luellen McDonald, 275 Cross Street, asked whether they considered sight distances for cars going over the hill. Mr. Morse indicated that stopping sight distances were considered; their study concluded the plan provided safe distances. Bob McDonald, also at 275 Cross, asked whether a speed of 41 miles per hour was taken into consideration. Mr. Morse indicated it was, as this was the 85th percentile speed.

Ms. Crystal-Lowry indicated a preference for the alternate intersection, but would like to see less of a turning angle; the street grade at the original intersection could invite safety problems. Attorney Sullivan suggested that a site visit be scheduled to assist Board members in weighing the alternatives. Chair Mauch requested that Mr. Morse flag the two alternative intersections, the Parcel D abutter's access easement to the new road, as well as a possible island. The visit was set for Saturday at 10 AM and was open to the public.

Mr. Morse also discussed the disposition of two proposed reserve strips, Parcels D and F. There is the potential to grant access easements over them, add them to abutting lots, or vary the width of the right of way, and requested guidance as to Board preference. In response to a question from Ms. Crystal-Lowry, Mr. Morse indicated that a revised intersection would increase the size of Parcel D, and the adjacent homeowner would need a longer access easement. Mr. Kopacz has spoken to this homeowner, and they would prefer having access to the new road. Ms. Crystal-Lowry indicated her preference would be for Parcel D to be owned by the HOA so it can be landscaped and maintained.

The Board discussed whether Parcel F could be added to lot 13. Mr. Morse indicated they were open to doing depending on Board preference. Ms. Crystal-Lowry preferred that this parcel be owned by the HOA. The owner of Lot 13 may not bother to maintain any landscaping, and this arrangement would avoid inadvertently making an adjacent lot developable. Mr. Kirkland noted it was preferable to avoid oddly shaped lots, and Mr. Chessia indicated this addition may not be possible. Mr. Mauch asked Mr. Kirkland look into the legality of the options.

Mr. Morse then discussed Section 8C drainage requirements. He noted that the purpose of the subdivision was to provide resources to maintain the lowland bogs. They intend to comply with infiltration and water quality requirements, but would like to direct as much stormwater as possible from the subdivision into the bogs for irrigation and harvesting purposes. This will require a waiver from runoff rate regulations for the discharge point into the reservoir only.

Ms. Crystal-Lowry asked about the impact of possible grade changes by private lot owners on the stormwater system. She noted the plans included assumptions on driveway sizes and yards maintained as lawn area, but do not necessarily account for swimming pools or sport courts. Mr. Morse indicated they would take this into consideration. Mr. Mauch noted that the Board had dealt



with similar issues at Curtis Farm Road, and would rely on Messrs. Kirkland and Chessia to monitor construction so they could be avoided here.

Mr. Campbell indicated the need for a landscape buffer between the farm and the subdivision. Attorney Sullivan noted that Mr. Kopacz lived nearby the property and it was in everyone's interest to revegetate this area. This might be accomplished by an easement controlled by the HOA coupled with a landscaping maintenance requirement for homeowners. Care would have to be taken as to what would be planted in the buffer due to its proximity to the farm, and Mr. Kopacz indicated consultation with a botanist would be needed. Attorney Sullivan expressed willingness to enter into a cooperative agreement and submit a separate landscaping plan on this point, and Mr. Mauch asked Mr. Kirkland to work towards that in consultation with Mr. Chessia.

Ms. Crystal-Lowry suggested they consider adding a pedestrian connection or pathway to the easement between Old Oaken Bucket and Cross Streets. Attorney Sullivan indicated they would consider the request but asked the Board to remember that the lowland parcel will remain a working farm. Mr. Kopacz advised that USDA has been pressuring farmers to restrict public access to farms. He has been informally allowing public access to his land but may run into issues with USDA if this were formalized.

Karen Joseph asked what the public benefit was of granting the drainage waiver. Attorney Sullivan stated that the waiver would be mutually beneficial to the farm and Town. Mr. Campbell added that the Norwell Master Plan held that agriculture was an important part of Town history, and the waiver may be one way to encourage its continuance. Mr. Mauch stated the potential benefit would be to keep the farm financially stable so it could continue to employ people and pay taxes. Ms. Crystal-Lowry added that basins that would be required if the waiver were not granted did not provide benefit to anyone, whereas there may be benefits to using the stormwater to sustain the farm.

Member Sullivan expressed concern about what would happen downstream if the lowland bogs were closed at some point in the future. Mr. Morse indicated that the bogs would become ponds themselves. Mr. Kopacz added that the crop that is produced in the lowland bogs commands a premium price. This would make it a valuable business to other cranberry growers if the family were at some point unable or unwilling to operate the bogs.

Member Sullivan also asked what would happen in the event of a very heavy rain. Mr. Kopacz pointed out he had been warned by USDA to expect less rain going forward. Attorney Sullivan added the ponds had excess capacity to handle excess water, and that neighbors downstream frequently asked Kopacz to release water.

Mr. Chessia indicated that a sophisticated analysis would be required to determine the impact of a 100-year storm. Basins next to the reservoir that directed day-to-day water flow that would be available for use in a storm might be a solution; but added that the Conservation Commission might not approve a stormwater waiver, as DEP regulations prohibit increase of flow. Ms. Crystal-Lowry felt it made sense to use the stormwater from the development to irrigate the farm, but would like to see an analysis of what would happen in these scenarios. Mr. Mauch indicated they would wait for additional feedback from the Conservation Commission.

Kathy McDonald asked about the effect of having 27 more homes in Town on water supply. Chair Mauch indicated this was a question for the Water Department, but that Board of Water

Commissioners Chair Peter Dillon had mentioned they were in a position to service the subdivision.

Mr. Chessia also noted a requirement to show "large trees" on plans, and inquired which trees on this property should be included. Mauch indicated this could be addressed in the landscaping plan.

In closing, Mr. Mauch thanked all participants for their involvement. Mr. Kirkland advised that the Board must pick a specific continuation date as well as provide notice of the upcoming site visit. Mr. Morse requested a date in June to allow him time to address Conservation Commission feedback.

*Motion by Ms. Crystal-Lowry to continue the public hearing to June 6, 2018 at 7:15 PM. Duly seconded and unanimously voted.*

### **MISCELLANEOUS**

#### **Foster Pine Lot - Land Donation**

Assessor's Map 25A, Block 69, Lot 19

Mr. Kirkland advised that the lot in question had no frontage and was surrounded by large wetland features. He additionally noted that this was one of the adjacent parcels referenced in the Hitchin Post Lane OSRD discussion before the PB on January 24, and that the Board of Selectmen has solicited recommendations from the PB and other Town bodies as to custody of the lot.

Mr. Mauch asked Mr. Kirkland to check what Town entity has custody of the adjacent parcels, and recommended that the lot be given to that entity.

*Motion by Mr. Fitzgerald to adopt the Chair's recommendation that Town Planner determine the entity that has custody of the adjacent Town land and recommend that custody of the pine lot be given to that entity. Duly seconded and unanimously voted.*

### **Committee Liaison Reports**

Ms. Crystal-Lowry briefly advised that CPC would be meeting tomorrow night. There was no news from any other subcommittees.

### **TOWN PLANNER'S REPORT**

Mr. Kirkland advised he was nearly finished with his form standardization project. He is also working on a policy manual for PB members based on one he received from a colleague; it should be ready for Board review just after the Town election.

Mr. Kirkland also noted that the annual Board reorganization would take place after the Town meeting. Chair Mauch advised the Board that he would not be standing for any PB office in the upcoming year.

RECEIVED  
2018 JUN -7 AM 11:53  
TOWN OF NORWELL  
TOWN CLERK



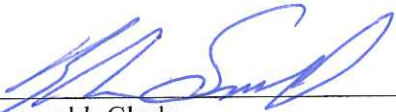
NEXT MEETING

May 7-8, 2018 – Town Meeting, Middle School Gym, 7:30 pm

ADJOURNMENT

*There being no further business, motion was made by Ms. Crystal-Lowry to adjourn at 9:15 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 June 6, 2018.

  
\_\_\_\_\_  
Scott Fitzgerald, Clerk  
*Brendan Sullivan oral Clerk*  
Copy filed with:      Office of Town Clerk  
                                 File

Post to Planning Board Webpage

RECEIVED  
TOWN OF NORWELL  
TOWN CLERK  
2018 JUN -7 AM 11:52