



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

Office of Planning Board &
 Town Planner

Norwell Planning Board Meeting Minutes 10/24/2018

The meeting was called to order at 7:00 P.M. with Chair Brendan Sullivan presiding. Also present were Vice Chair Jamie Crystal-Lowry; Board Members Donald Mauch Sr., Scott Fitzgerald, and Patrick Campbell; and Town Planner Kenneth Kirkland. 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 October 10, 2018 meeting were distributed and reviewed.

Motion by Mr. Campbell to approve the Minutes of the October 10 meeting as submitted. Duly seconded and unanimously voted.

BILLS

The following invoices were presented for approval:

Christopher Sullivan	Meeting Minutes (10/24/18)	\$150.00
Chessia Consulting	Norwell Estates	\$498.00
	OOB Estates	\$1210.80
	Schooner Estates	\$132.00
	111-119 Washington St.	\$180.00
	41 Accord Park Dr.	\$1320.00
	61 Accord Park Dr.	\$1260.00
Ken Kirkland	Mileage Reimbursement	\$125.35

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

SUBDIVISIONS AND LAND DEVELOPMENTS

Old Oaken Bucket Estates – 26-Lot Residential Subdivision

Continued Public Hearing

Definitive Subdivision Plan

Winter Street, Cross Street, Old Oaken Bucket Road

Assessor's Map 9D, Block 49, Lots 1, 35, 62, & 65

Applicant John Kopacz present along with Attorney Walter B. Sullivan; Greg Morse and Jeff Hassett, Morse Engineering; and Marta Nover, Nover-Armstrong. Also present was Conservation Agent Nancy Hemingway, Planning Board Engineer John Chessia, and one area resident.

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

Ms. Nover briefly discussed the outstanding issues with the Conservation Commission regarding the discharge of treated stormwater into the reservoir. The Commission was questioning whether this was allowable under the regulations, and whether doing so will cause an alteration of the resource area. Ms. Nover contended that the discharge of treated stormwater was allowable under the regulations, and that such discharge did not constitute alteration in this case, as water levels currently fluctuate as part of the bog operation.

Ms. Nover cited a Brockton case with which she was involved, in which the Brockton Commission denied what she characterized was a similar project and DEP had overturned the denial, ruling that in fact there was no resource area alteration.

In response to questions from Ms. Crystal-Lowry, Ms. Nover indicated that local Commissioners had the authority to approve the project, and there was no need to appear before DEP. DEP will sometimes comment on a project when issuing a DEP number, but generally does not like to provide written opinions. Ms. Nover further indicated that a DEP representative had indicated to her in discussion that the discharge of treated stormwater was permissible at the Commission level. They had submitted all their documentation to the Conservation Commission and the continued hearing was on for November 6.

Mr. Mauch briefly discussed the appeals process for an Order of Conditions denial, which can involve both DEP and Superior Court. DEP typically will not furnish written statements, but will indicate agreement or disagreement with submitted comments.

Mr. Morse indicated that the latest round of revisions mainly incorporated or responded to comments from the PB and Commission; they include the addition of a 50-foot planted buffer strip between the lots and the bogs, and its extension all the way through the development. The buffer would be subject to a planting plan and would be posted with permanent conservation markers. He also made several revisions to the drainage calculations and created a replication area in Parcel 1 to make up for the loss of an isolated wetland between Lots 14-15.

Mr. Morse then briefly discussed the components of the stormwater management system. In response to a query from Mr. Campbell, Morse indicated that this treatment would involve the removal of sediment and suspended solids from stormwater prior to its discharge into the reservoir.

Mr. Chessia summarized his review of the project and stormwater management systems to date. He noted that several aspects of the project, particularly the use of the bogs for stormwater management, require Conservation Commission approval and that a denial from the Commission would require corresponding changes to the plans before the PB.

Chessia also noted that the PB had requested a two-part drainage model incorporating scenarios where the bogs (1) continued to be farmed or (2) ceased operation. He stated that the current

model provided no analysis, as requested, regarding the flow of stormwater through the Cross Street culvert, into the lower bog, whose outlet in the “farmed” scenario is partially blocked with boards. He further contended that the modeling to date had not been done in such a way as to prove compliance with the applicable performance standards.

In addition, Chessia noted he had requested but did not receive updated watershed plans, the plans did not indicate large trees to be removed, and that HOA documentation regarding the ownership and maintenance of the stormwater management system had not been provided to Town Counsel as requested. Attorney Sullivan responded that he would be forwarding documentation regarding the proposed HOA and easements to Town Counsel for comment.

Mr. Kirkland indicated that the hearing must be closed tonight unless the Applicant requested a continuance. The Applicant assented to a continuation to December 12, so the plans could be updated to reflect additional feedback from Mr. Chessia and the Conservation Commission.

Motion by Ms. Crystal-Lowry to continue the public hearing to December 12, 2018 at 7:15 PM. Duly seconded and unanimously voted.

Schooner Estates – 12-Lot Residential Subdivision
Continued Public Hearing
Definitive Subdivision Plan
Stetson Road
Assessor’s Map 29A, Block 76, Lots 4, 6, 8-11, 17, 18, 20, & 43.

Mr. Kirkland advised that applicants had requested a continuation to November 28.

Motion to continue the public hearing to November 28, 2018 at 7:15 PM. Duly seconded and unanimously voted.

354 Cross Street – Residential Development
Public Hearing
Scenic Road Plan
354 Cross Street
Assessor’s Map 9B, Block 49, Lot 19

Mr. Fitzgerald read the Notice of Public Hearing. Applicant Brian Greenberg present.

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

Mr. Kirkland advised that the Applicant’s raze and rebuild on the property involved the removal of a single tree in the Town right-of-way in order to accommodate the driveway, which is being moved to accommodate a new septic system. The existing horseshoe driveway will be removed for compliance with the Scenic Road Bylaw.

Mr. Greenberg advised that a Section 6 finding was pending from the ZBA but the appeals period had not yet expired. Mr. Kirkland recommended approval with the condition that a copy of the ZBA approval be provided to the Planning Office.

Mr. Mauch commented on the cost to the Applicant in time and money for the removal of a relatively small tree, and suggested that the PB consider a vote to amend or repeal the Scenic Road Bylaw, characterizing it as duplicative and time consuming for all parties. Mr. Kirkland noted that he lacked the authority to approve such minor requests administratively.

Motion by Ms. Crystal-Lowry to approve the removal of the tree referenced in the application and any subsequent trees. Duly seconded and unanimously voted.

MISCELLANEOUS

Committee Liaison Reports

Mr. Campbell advised that CPC had received 10 grant applications and would start reviewing them tomorrow. Half of these were from the Conservation Commission, including a request for a deposit to the Commission's conservation fund to be used for land acquisition, various physical improvements, and funding to update the Town's Open Space Plan.

Mr. Campbell questioned whether updating the Open Space Plan would put it out of sync with the Town's Master Plan, and asked for the Board's views on the matter so he could represent them on CPC. Mr. Kirkland noted there was no statutory requirement to update a Town's Master Plan within a specific timeframe, but there were such requirements for certain sub-plans, which can create inconsistencies and a lack of coordination on a macro scale. He felt the original intent of a Master Plan was to provide a comprehensive overview of goals, policies, and objectives that would be a starting point for open space and other secondary plans while maintaining consistency with the Master Plan.

With regard to the Commission's request for land acquisition funds, Mr. Campbell questioned why it would need the other funds it applied for if this request was granted. Ms. Crystal-Lowry noted that CPC had made a similar grant to the Housing Trust the previous year, but subsequently clarified that this money came from the Trust's annual allocation and was not an additional grant. Mauch likened the jockeying for CPC funds to Town departments using multiple carve-out budgetary requests to give the appearance of a balanced budget.

The Board briefly discussed undeveloped Recreation Department land near Circuit and Green Streets. Mr. Mauch noted that this land had been donated to Recreation years ago, but the abutters did not want a sports field there. Mr. Campbell noted that all Recreation Department fields were currently on land it does not own.

The Board also discussed ways to amend the Town's zoning classifications to eliminate individual lots having two different zones. Mr. Kirkland felt this could be corrected by identifying all current "split zone" lots, amending the zoning on these lots to correspond with existing usage and future land use as identified in the Master Plan, and then amending the Zoning Bylaw so that zoning boundaries follow lot lines. Some municipalities in Rhode Island extended commercial zones one lot back to allow for some transition into residential areas.

Mc. Crystal-Lowry noted that previous efforts to clean up the zones ran into opposition from local residents not wanting to be in a commercial zone, and this led the Board to envisage the creation of a "transition" zone for areas such as Washington Street to better blend residential and commercial uses. Such a zone does not force a landowner into a specific use, but also does not bar future owners from transitioning a lot into full commercial use.

Mr. Sullivan advised that Pathway had put in a CPC application related to the Wompatuck access/parking project. They are working with Highway Surveyor Glenn Ferguson's contractors to get Pathway Phase 3 started. Mr. Kirkland added that some staking had been done on site.

Mr. Sullivan also reported that the Carleton Committee was meeting on the first and third Mondays of each month. They recently met with the Athletic Fields Committee, whose members indicated they did not see a need for any use of the Carleton property. Mr. Mauch mentioned a recent newspaper article about the lack of playing fields in Town, and Ms. Crystal-Lowry clarified that it seemed like they were not interested in fields on the Carleton property but may still need fields. The Board briefly discussed the construction of a recreation complex similar to the one in Hanover.

TOWN PLANNER'S REPORT

Mr. Kirkland noted that Cowings Cove was closed at the last meeting. Henry's Lane is in the process of completing the remaining punchlist items, including sidewalk coating; they have retained McKenzie Engineering to complete the As-Built Plans.

The drains are in the process of being installed at Norwell Estates. Mr. Chessia advised that he continues to monitor the site. Since the drains are on the downhill side, it would have been better for them to install them in August when it was drier. Lot 4 is under agreement to sell to the Owner of Lot 6 pending release of the lot by the Conservation Commission.

Mr. Kirkland noted that he had been in constant contact with residents at Norwell Estates about various aspects of the remaining road and drainage work. Two residents had been calling him repeatedly regarding the installation of drains, and then not allowing workers onto their property to install the drains. One resident had requested permission to move a light post a small distance, and then moved it to the other end of his driveway; Mr. Kirkland has told this resident to put the post back where it was. Another resident had asked if the PB would consider not installing the sidewalks as planned and required under the subdivision regulations.

Mr. Kirkland stated for the record that he has advised these residents that it was no longer an efficient use of the Planner's time to continually address these issues when they are not allowing the work to proceed as approved. Mr. Mauch commended Mr. Kirkland's approach, indicating that at this point, the Town should be backing away and letting the homeowners work through the remaining issues.

NEXT MEETING

November 14th, 2018 – Town Hall, Room 112, 7 pm

ADJOURNMENT

*There being no further business, motion was made by Ms. Crystal-Lowry to adjourn at 8:48 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 November 14, 2018.



Scott Fitzgerald, Board Clerk

Copy filed with: *Office of Town Clerk*
 Planning File

Post to Planning Board Webpage

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