



Office of Planning Board &  
Town Planner

**TOWN OF NORWELL**  
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Norwell, Massachusetts 02061  
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TOWN CLERK

## **Norwell Planning Board Meeting Minutes 2/13/2019**

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

### **CALL TO ORDER/AGENDA**

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

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

### **APPROVAL OF MINUTES**

The minutes of the January 23, 2019 meeting were distributed and reviewed.

*Motion by Mr. Mauch to approve the Minutes of the January 23, 2019 meeting as written. Duly seconded and unanimously voted.*

### **BILLS**

The following invoices were presented for approval:

Christopher Sullivan	Meeting Minutes (1/23/19)	\$150.00
Complete Streets (BETA)	Main St. Sidewalk Ph. III	\$13,277.18
Chessia Consulting	111-119 Washington Street	\$1,268.00
	41 Accord Park Drive	\$192.00
	Hitchin' Post Lane OSRD	\$1,209.00
		\$630.50
	Norwell Estates	\$1,718.00
		\$69.70
	OOB Estates	\$1,778.00
		\$3,768.00
	Schooner Estates	\$1,189.00
		\$2,601.50

Mr. Kirkland noted that the not-to-exceed figure for distribution to Complete Streets for the current phase of the Main Street Sidewalk project was \$20K.

*Motion by Ms. Crystal-Lowry 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 Greg Morse, Morse Engineering. Attorney Walter Sullivan and consulting engineer John Chessia also present.

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

Attorney Sullivan advised that the Conservation Commission had closed their hearing, and were holding a working session to draft their findings and decision on February 25.

Mr. Morse noted that they had made several revisions to the site plan in response to feedback from the Commission, and were hoping to get approval for the jurisdictional aspects of Phase I on the 25<sup>th</sup>. He stated that the resource areas where work was proposed were currently degraded and would likely be improved as a result of the project and associated mitigation. The Commission has 21 days to issue its decision from the February 5 closing date. He also indicated that in response to Mr. Chessia's comments in January, they had provided documentation that stormwater rates and volumes for the downgradient outlet at Cross Street would be compliant in both the farmed and non-farmed scenarios.

Chair Sullivan asked Mr. Morse whether the Commission had approved the use of the reservoir for stormwater detention. Morse stated that the Commission did not give a direct answer, but they had reached out to Fred Civian at MassDEP, who responded by e-mail but indicated he did not evaluate or give any specific opinion about the project, as well as Gary McCutcheon (phonetic), who, he said, replied that use of the reservoir system would be acceptable in this case on the basis that the reservoir is already existing and already has significant fluctuations whose range levels would not be changed by the project. Attorney Sullivan added that they had provided Mr. McCutcheon's contact information to Town Counsel Robert Galvin.

Morse noted in closing that the Notice of Intent currently before the Commission concerns Phase I of the project, including construction of the roadway and associated infrastructure. Individual lot construction would be addressed in Phase II of the project. Additionally, several lots are jurisdictional to the Conservation Commission and will require individual Notices of Intent. In response to a query from Mr. Mauch, Morse indicated they would be filing these individually to account for individual purchaser preferences.

Ms. Crystal-Lowry asked what they intended to do if certain lots get denied in Phase II. Morse stated that the lots were largely compliant with the 50 ft. no-disturbance buffer, and felt a denial was unlikely. If one were to occur, they would move the limit of the work further back from the wetlands. He also felt it unlikely that any of the proposed lots would be found unbuildable. In response to a follow-up question, Mr. Morse advised that Parcel E on the site plan would be conveyed to Mr. Kopacz and appended to his lot adjoining the site.

Mr. Campbell asked if the screening trees the Board had requested earlier conflicted with best practices for wetland buffer / cranberry bog plantings. Morse indicated that Marta Nover, Nover-Armstrong, had developed a planting plan that supplemented the trees with meadow grassland mix, plus sand burrows for turtle habitats.

Mr. Chessia indicated that more details were still needed as to the construction plan for Phase I, and recommended that the two upland bogs be kept as temporary basins until all upgradient construction was completed. Additionally, he noted that infiltration basin 1 (Parcel H) partly crosses a lot line in opposition to the subdivision regulations, and suggested that either the lot line be changed or the basin moved.

Chessia noted that stormwater management issues seem to have been adequately addressed in the farmed scenario, but there were potential legal issues in the non-farmed scenario, in which maintenance of the fixtures would be assumed by the HOA. He also noted a discrepancy in the modeling in the non-farmed case requested by the Board and that which Applicant provided, whereby the Board requested a model assuming the removal of all boards at the Cross Street outlet and the model provided assumed that one board would be left in place.

Chair Sullivan asked whether the Cross Street outlet would be modified in the non-farmed scenario; Morse indicated that boards would be removed from all outlet structures except for the one at Cross Street, which he stated would not have to be altered.

Attorney Sullivan advised that in response to feedback from the Conservation Commission, they had revised the HOA documents to specify that the HOA had the duty, and not just the right, to maintain the development's stormwater fixtures in the event the farming operation ceased; and that the Town also had the right, but not the obligation, to ensure the fixtures remained operational. Ms. Crystal-Lowry recommended that it be made clear to potential homeowners that they had this obligation; Attorney Sullivan stated that this would be recorded on every homeowner's deed.

Mr. Kirkland instructed Applicants to make certain the HOA documents clearly delineated all responsible parties, and that immediate book and page references to all applicable documents be provided for future reference. Chessia recommended that the HOA documents, particularly those sections relating to the HOA's rights and obligations regarding the stormwater system, be reviewed with Town Counsel.

Mr. Campbell asked how the HOA would enforce its rights to maintain the system in the event an adverse party purchased the bog property. Attorney Sullivan advised that the subdivision would be the dominant estate to the bog property, and that the HOA's easement and obligation to maintain the stormwater system to the Town's satisfaction would control. Mr. Mauch commented that this obligation could be an issue with prospective homeowners, but Chair Sullivan felt that maintenance of the system would primarily involve the removal of boards as dictated by circumstances.

Mr. Kopacz commented that the system was designed to give the farm water, while allowing him to control the fixtures as needed to accomplish this. He grows very valuable berries that only grow in Massachusetts, and felt it would be unlikely for the bog not to be farmed by himself or someone else.

Chair Sullivan commented that there seemed to be a few outstanding issues, and asked whether Applicants wished to close or continue the hearing. Ms. Crystal-Lowry suggested that the hearing be continued to wait for the Order of Conditions from the Conservation Commission, and give applicant a chance to respond to the latest comments from Mr. Chessia. Mr. Kirkland will review the OOC and draft a memorandum with his recommendation as to requested waivers. Applicant assented to a continuation to March 13.

*Motion by Ms. Crystal-Lowry to continue the public hearing to March 13, 2019 at 7:14 PM. Duly seconded and unanimously voted.*

**Bay Path Square** – 3,500 sq. ft. Commercial Addition  
Public Informational  
Site Plan Review  
Bay Path Square / 111-119 Washington Street  
Assessor's Map 11B, Block 20, Lots 11-13

Josh White present for J.K. Holmgren Engineering on behalf of property owner Hajjar Management. Richard Ricciardi, 30 Grove Street, also present.

Mr. White presented an updated site plan, and advised they had worked with Board of Health to get approval for the new septic system. In response to Mr. Chessia's initial comments, they have addressed drainage and grading concerns, and moved the location of certain trees. In response to a query from Mr. Sullivan, White indicated that they had removed the proposed pervious pavers underneath a canopy.

Mr. Mauch asked about the movement of dogs between the two Fox and Hounds locations on adjoining lots; White stated that employees currently drive over the open lot to avoid turning onto Route 53; they plan to plant trees to stop this practice. Ms. Crystal-Lowry expressed concern that this section would turn back into a dirt path over time given the maintenance history of the property, and requested more details as to the plantings.

The Board discussed the possibility of a connection between the adjoining lots, each of which have the same owner. Mr. Kirkland indicated a paved connection would cause impervious surface issues; Mr. Chessia added that the adjoining lot was already non-conforming, and adding another curb cut would be difficult given the location on a state highway.

Mr. Chessia commented that some of Applicant's drainage calculations did not match up, but thinks these issues can be resolved. The plan should specify the diameter of the proposed parking lot trees, and suggested that the Board look at the overall planting requirements.

Mr. Ricciardi asked about changes to the septic system, whether the system had been approved by the Board of Health (Mr. White indicated it was), and whether there was sufficient parking on the site.

Mr. Kirkland advised that there had been a delay in the project at the zoning level, as the ZBA additionally asks both the Board of Health and the Conservation Commission for commentary. Since the Planning Board provides technical assistance in the Site Plan Review process, he included this additional commentary at the Planning Board stage for efficiency. Applicant assented to a continuation, and will submit a revised site plan to be discussed at the next meeting.

**Norwell Estates – 15-Lot Residential Subdivision**

Public Informational

Definitive Subdivision Plan

Circuit Street Remediation 2.0

Curtis Farm Road

Assessor's Map 21C, Block 59, Lots 43-55, 61, & 62

The Board discussed an issue on Lot 15 (350 Circuit Street), where a newly installed drainage culvert appears to have been replaced with an area drain. Mr. Kirkland distributed an informational memo along with photos showing the original culvert, the area drain, and ponding on Lot 14 after the area drain was installed.

Mr. Kirkland advised that the Owner of the lot may refer to the discussion at the September 27, 2017 Board meeting as justification for replacement of the culvert, but Mr. Mauch felt that the lot Owner's responsibilities had been made clear in that discussion, and that his subsequent actions were in direct opposition to what the Board had mandated in order to protect Town assets, and as such, required firm action.

*Motion by Mr. Mauch that the Planning Board instruct Town Counsel to draft a letter demanding restoration of the drainage system on Lots 14 and 15 to what was approved by the PB, and in the absence of compliance on part of the homeowner, that the PB pursue any available legal remedies. Duly seconded and unanimously voted.*

**MISCELLANEOUS**

After a brief discussion, Board members voted to cancel the February 27 meeting.

*Motion by Ms. Crystal-Lowry to cancel the February 27 meeting. Duly seconded and unanimously voted.*

The Board briefly discussed parking issues at 61 Accord Park Drive. Mr. Kirkland will conduct further research and place the matter on a future agenda.

Mr. Mauch queried whether the PB would be interested in proposing a repeal of the Scenic Road Bylaw. Ms. Crystal-Lowry pointed out that the Board had discussed ways to increase public awareness of the Bylaw in the recent past. Chair Sullivan suggested an amendment where filings were handled administratively by Town Planner and/or Tree Warden rather than through a public hearing.

The Board also discussed whether Mr. Kirkland should send additional notices via social media regarding certain meetings and hearings. Ms. Crystal-Lowry suggested that this may be a way to keep abutters in the loop when public hearings carry on over several months. Mr. Kirkland pointed out that all agendas are posted online, and residents can also sign up on the Town's website to receive them by e-mail. He also expressed concern at taking on what may become a labor-intensive task, (maintaining social media presence).

Chair Sullivan advised that the final draft of the updated Town bylaws had been uploaded to the Bylaw Review Committee's webpage.

## **2018 Planning Board Report**

Mr. Kirkland distributed a draft submittal for the 2018 Annual Report. Board members will review and provide comments by e-mail.

## **Subcommittee Liaison Updates**

Mr. Campbell advised that the Complete Streets Committee had drafted a warrant article asking for \$475K for Phase III of the Main Street Sidewalk, from Town Hall to Lincoln Street; they will also try to get another \$200K grant from MassDOT. This section of the sidewalk will be on the north side of Main Street, and the revised plan has already been approved by the Conservation Commission. The Board briefly discussed extension of the sidewalk from Lincoln Street to Norwell Center.

Member Campbell reported that the Recreation Commission had asked for a \$220K grant from CPC to convert the softball field at Osborne into a Little League field. There are questions as to whether the field is adequately drained, so CPC approved \$10K for a drainage study; they are not going to recommend funding for the full project until they have more information on potential drainage issues. Mr. Mauch commented that this study should be done by an independent wetlands scientist who could make an objective finding. He agreed there was a need for another Little League field, but stated the site was wet for most of the year.

Mr. Campbell noted that Mr. Mauch had commented at the CPC meeting that these fields had French drains when they were built, and asked whether the original plans were still available. Mr. Kirkland indicated the files may be upstairs in storage, or Recreation Director George Grey may have them.

Mr. Campbell also advised that the Conservation Commission had withdrawn its \$30K funding request for a parking lot and recreational trail on the west shore of Jacobs Pond, as CPC felt the plan was not fully developed. They have asked the Commission to look into ways to extend the trail to create a loop around the pond. Another Commission application related to updating the Open Space Plan was funded on the condition that the plan be updated with input from additional Town entities. Board members discussed the need for a PB liaison to the Open Space Committee. Mr. Kirkland will reach out to Conservation Agent Hemingway for more information.

Chair Sullivan advised that the Pathway Committee met last week. The Wompatuck parking lot and access road project is moving forward, and they hope to get funds from Town Meeting to start construction. Mr. Campbell indicated that he expected CPC to approve the Committee's grant application related to the project.

## **ADJOURNMENT**

*There being no further business, motion was made by Mr. Campbell to adjourn at 9:31 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 13, 2019.

  
Scott Fitzgerald, Clerk

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

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