

Office of Planning Board &
Town Planner

TOWN OF NORWELL
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Norwell Planning Board Meeting Minutes 6/12/2019

The meeting was called to order at 7:07 P.M. with Vice Chair Jamie Crystal-Lowry presiding. Also present were Town Planner Kenneth Kirkland and Board Members Brian Greenberg and Patrick Campbell. Unable to attend were Brendan Sullivan and Scott Fitzgerald. The meeting was held in the Planning Dept. Office.

CALL TO ORDER/AGENDA

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

APPROVAL OF MINUTES

Approval of the minutes of the May 8, 2019 meeting was tabled until the next meeting.

BILLS

The following invoices were presented for approval:

Chris Sullivan	Meeting Minutes (5/8)	\$150.00
Gatehouse Media	Legal Ads	\$349.44
		\$505.44
		\$461.76
Johnco, LLC	Engineering Review Refund	\$17.70
Delryn, LLC		\$85.00
Tri. K. Srihadi		\$212.50
Hajjar Management Co.		\$1,358.20

Planner Kirkland advised that he had received a call from Gatehouse Media advising they would not post any further legal ads until they received payment for the ads for the three Zoning Bylaw Amendment hearings. He stated that the Board of Selectmen's Office had forwarded billing invoices to the two attorneys representing the Assisted Living and Solar Overlay Petitions to forward payment to Gatehouse Media for their respective Petitions. He further stated that the newly-adopted billing policy would correct this issue moving forward, and indicated the funds were available in the budget to cover the remaining invoices. He requested that the PB authorize payment for these ads.

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

SUBDIVISIONS AND LAND DEVELOPMENTS

Hitchin Post Lane OSRD – 7-Lot OSRD Residential Subdivision

Continued Public Hearing

OSRD Special Permit & Development Plan

Circuit Street

Assessor's Map 25A, Block 69, Lots 25 & 26

Gary James, James Engineering, present along with Applicant Mark Raimondi. Also present were about six (6) area residents.

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

Mr. James advised that he had submitted an updated conventional subdivision plan and noted that this Plan was conceptual only, for purposes of establishing the number of units they are allowed to build by right, without waivers. The Plan has been sent to Planning Board Engineer John Chessia, but he has not commented yet.

Ms. Crystal-Lowry asked about the common driveway shown on the conceptual plan; Mr. Kirkland indicated that a common driveway did not require a waiver or special permit if the common portion of the driveway was less than 100 ft and the driveway did not service more than two (2) lots.

Mr. Campbell asked whether Lot 4 on the conventional subdivision plan was buildable as shown, given it intruded slightly into the 100-ft wetland buffer. Mr. Greenberg indicated that his understanding was that lots did not have to all be upland.

Ms. Crystal-Lowry asked whether all parties were in agreement that five (5) lots maximum were allowed by right. Mr. James indicated that he had provided the conventional subdivision plan because that is what the Board had asked for, but they were actually looking to construct the seven-lot OSRD originally proposed. He understood that the PB did not have the authority to assume that waivers granted by other entities would actually be granted, but he would like the PB to support the seven-lot plan as the basis for the OSRD, noting that even with seven lots, the OSRD utilized less square footage of the 16 acres and required a smaller roadway.

At this point, the hearing was opened up to comments from the public. Roger Allaire, 264 River, and Joe McGlinchey, 260 River, asked why the Applicant was now proposing seven (7) house lots when the land was originally marketed as two (2) lots. Ms. Crystal-Lowry acknowledged that the land at one point was for sale as two (2) lots, but pointed out that these lots could be combined to create enough buildable land for what appeared to be five (5) lots by right. Mr. Campbell added that the Applicant was now asking the PB to support the permitting of seven (7) smaller buildable lots in an OSRD.

Louis Balestracci, 278 River, felt that the conventional plan was not buildable as presented and asked whether it was accurate. Ms. Crystal-Lowry pointed out that the conventional subdivision plan was not what the Applicant was actually proposing to build. Mr. Campbell added that the

plan bears Mr. James' Professional Engineer stamp, which imposes a legal obligation on him to present a true, factual drawing.

Mr. James commented that under the 7-lot OSRD, only 5.5 acres of land will actually be used for development, with the remaining 10.6 acres being donated to the Town. Mr. Campbell felt the salient question was, if Applicant could build five (5) conventional subdivision lots, how was allowing two (2) additional OSRD lots in the Town interest. Mr. Raimondi stated he would make the same profit on the seven-lot OSRD as on the five-lot conventional subdivision, but the OSRD included a significant land donation.

Mr. McGlinchey asked what the benefit was to connecting Town parcels, as he had never had any interest in going from one Town parcel to another. Mr. Campbell noted there was language in the Town's Master Plan that speaks to the desirability of connecting Town-owned public space. Mr. Allaire asked that the PB consider the abutters' desire to have less rather than more in its deliberations. Mr. Greenberg asked him to clarify whether he meant fewer houses built or less land used; Allaire responded fewer houses, to protect their lifestyle.

Ms. Crystal-Lowry asked the Applicant whether they would consider an OSRD if they were limited to five (5) lots. Messrs. James and Raimondi stated they would propose a conventional five-lot subdivision in that case. Mr. Campbell asked whether a conventional subdivision would rule out the connection of Town parcels proposed with the OSRD. Mr. Raimondi believed it would, but Mr. James felt some sort of connection may be possible.

At this point, Ms. Crystal-Lowry polled the members present as to how many lots the PB should recommend to the ZBA, noting that Board member views may change depending on input from the other two (2) members or changes in the Plan.

Ms. Crystal-Lowry thanked the Applicant for working with the PB to submit the additional requested documentation, but recommended that the Board recommend no more than five (5) lots because the OSRD Bylaw was written to try to limit loopholes. She would prefer a five-lot OSRD to a conventional five-lot subdivision. Mr. Greenberg was inclined to support seven (7) lots but did not want to override the views of the rest of the Board.

Mr. Campbell broadly agreed with Ms. Crystal-Lowry's assessment, but wanted the abutters and others to understand what the Applicant was saying, which is they may need to build bigger houses on bigger lots (i.e., a five-lot conventional subdivision) in order to get the same return on investment they would get from building seven (7) smaller houses on smaller lots (the seven-lot OSRD), and were asking the PB whether it preferred five (5) big houses on big lots, or seven (7) smaller houses on smaller lots with a land donation to the Town. At this point, at Mr. Campbell's request, Mr. James showed the site plan for the OSRD to those present.

Ms. Crystal-Lowry suggested that the discussion be continued when all PB members were present, noting that it may not be a unanimous recommendation that is made to the ZBA. Mr. Campbell encouraged the Applicant to think about how to make a more compelling case, in terms of the Town's interest, for the seven (7) lots they are requesting.

Motion by Mr. Campbell to continue the public hearing to June 26 at 7:15 PM. Duly seconded and unanimously voted.

Schooner Estates – 12-Lot Residential Subdivision

Continued Public Hearing

Scenic Road Plan / Definitive Subdivision Plan

Stetson Road

Assessor's Map 29A, Block 76, Lots 4, 6, 8-11, 17, 18, 20, & 43.

Mark McSharry present for Stetson Road LLC; Al Loomis present for McKenzie Engineering Group.

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

Pursuant to the Scenic Road Bylaw, Mr. Loomis discussed alterations to a 112-foot section of stone wall along Stetson Road that will need to be removed to create the subdivision entrance. The stone will be used to reinforce other sections of the wall, as well as close the wall at the present driveway location for 111 Stetson Road, which will be relocated on the new subdivision roadway. No trees will be removed in the process.

Motion by Mr. Greenberg to approve the Scenic Road Plan for Schooner Estates. Duly seconded and unanimously voted.

In response to a query from Ms. Crystal-Lowry, Mr. Loomis indicated he had spoken to the abutter across the road from the proposed entrance and tried to address his concerns regarding traffic and construction.

Mr. Kirkland advised that he had just received Planning Board Chessia's latest review. Mr. Loomis noted that many of Chessia's comments concerned the waiver requests that the PB needed to vote on as opposed to requests for new information or documentation. In response to a query from Mr. Kirkland, Mr. McSharry indicated that the legal agreement with abutter Jerry Griffiths had been executed, and he would provide a copy for the file. Mr. Kirkland advised that he will also need a copy of the HOA documentation before the public hearing is closed, but the document could still be amended prior to endorsement.

Mr. Loomis asked about the impact the absence of Members Sullivan and Fitzgerald would have on the quorum needed to approve. Mr. Kirkland stated that, since the public hearing had been re-advertised due to the water main break, all Board members could miss one hearing subsequent to the advertisement and still vote provided they completed a Mullins Rule affidavit and reviewed the minutes of the missed hearing.

All parties agreed to a continuation to July 10, which will allow for the receipt of feedback from the Applicant's hearing with the Conservation Commission on June 18.

Motion by Mr. Campbell to continue the public hearing to July 10 at 7:15 PM. Duly seconded and unanimously voted.

35 Harbor Lane – 2-Lot Residential Land Development Project

Public Informational

Approval Not Required (ANR) Plan

Harbor Lane

Assessor's Map 6D, Block 1, Lots 8 & 37

Shane Brenner, Merrill Engineers, present for the Applicant, Harbor Lane HOA. Mr. Kirkland advised that he has looped in the HOA trustees and they are aware, as Applicants, of the Application. The filing proposes a land swap between Lots 5 and 6 that will provide more space around the house on Lot 6 in exchange for providing a more optimal driveway location for Lot 5 when it is developed.

Mr. Kirkland indicated that the Plan met the standard for required findings of fact, and is consistent with the Master Plan, Zoning Bylaw, and the Subdivision and Land Development Rules & Regulations. He recommended endorsement subject to the condition that proof of filing with the Registry of Deeds and Land Court be submitted to the Planning Dept.

Motion by Mr. Greenberg to accept and endorse the ANR for 35 Harbor Lane. Duly seconded and unanimously voted.

269 & 285 Grove Street – 2-Lot Residential Land Development Project

Public Informational

Approval Not Required (ANR) Plan

Grove Street

Assessor's Map 16B, Block 61, Lots 69 & 99

Shane Brenner, Merrill Engineers, present for Applicant. The filing proposes a land swap of approximately 1600 sq. ft. of land from 285 to 269 Grove Street.

Mr. Kirkland indicated that the Plan met the standard for required findings of fact, and is consistent with the Master Plan, Zoning Bylaw, and the Subdivision and Land Development Rules & Regulations. He recommended endorsement subject to the condition that proof of filing with the Registry of Deeds and Land Court be submitted to the Planning Dept.

Motion by Mr. Campbell to accept and endorse the ANR for 269 & 285 Grove Street. Duly seconded and unanimously voted.

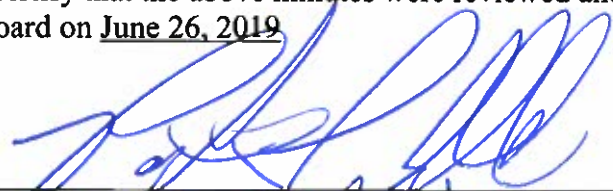
NEXT MEETING

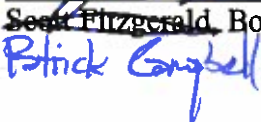
June 26, 2019 – Town Hall, Room 112, 7 pm

ADJOURNMENT

There being no further business, motion was made by Mr. Greenberg to adjourn at 8:38 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 26, 2019


Sean Fitzgerald, Board Clerk


Patrick Campbell, Member

Copy filed with: *Office of Town Clerk*
File

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