



Office of Planning Board &
Town Planner

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TOWN OF NORWELL
TOWN CLERK

Norwell Planning Board Meeting Minutes 5/8/2019

The meeting was called to order at 7:00 pm with Chair Brendan Sullivan presiding. Also present were Vice Chair Jamie Crystal-Lowry, Board Members Donald Mauch Sr. and Patrick Campbell, and Town Planner Kenneth Kirkland. Unable to attend was Scott Fitzgerald. Vice Chair Crystal-Lowry phoned in at the start of the meeting, and then arrived at 7:40 pm. The meeting was held in the Planning Office.

CALL TO ORDER/AGENDA

Motion by Mr. Campbell 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 submitted.

APPROVAL OF MINUTES

The minutes of the April 24, 2019 meeting were distributed and reviewed.

Motion by Mr. Campbell to approve the minutes of the April 24, 2019 meeting as submitted. Duly seconded and unanimously voted.

BILLS

The following invoices were presented for approval:

Christopher Sullivan	Meeting Minutes (4/17)	\$150.00
41 Accord Park Drive	Refund of Engineering Review	\$2,768.00
Complete Streets (BETA)	Main St. Sidewalk (Ph. III)	\$2,667.96
Chessia Consulting	111-119 Washington Street	\$210.50
	Norwell Estates	\$130.20
	OOB Estates	\$460.50
	Schooner Estates	\$575.50

Mr. Kirkland is in discussion with Town Administrator Peter Morin regarding an outstanding Gatehouse Media invoice.

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 / Approval Not Required (ANR) 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 Planning Board Engineer John Chessia also present.

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

Chair Sullivan noted that the proposed Definitive Subdivision Plan had been approved at the previous meeting with the condition that the hearing be continued to this date to allow for the required review of waivers and conditions.

Mr. Mauch advised that Highway Surveyor Glenn Ferguson had spoken with him about adding a waiver of the two-sidewalk requirement subject to mitigation to be negotiated between Applicant and Surveyor Ferguson. Mr. Mauch pointed out that requiring two paved sidewalks can result in excessive impervious surface, and Mr. Campbell added that this waiver had been granted to similar sized developments. Attorney Sullivan agreed to the addition of this waiver, and noted they had already been in touch with Mr. Ferguson.

Chair Sullivan asked about the waivers for drainage design, TSS removal, and basin depth. Mr. Morse noted that the drainage design waiver had to do with the fact that stormwater would be controlled on the bog property as opposed to within the subdivision. The HOA has an access easement to control and maintain the stormwater structures on the bog property. Mr. Chessia indicated that the TSS removal waiver was to allow the drainage system to be constructed in accordance with MassDEP TSS removal standards, which are more recent than the standards set forth in the Subdivision and Land Development Rules & Regulations. Chessia indicated that the waiver as to basin depth will allow for better treatment of stormwater prior to its being directed to the bog reservoirs.

Mr. Kirkland indicated that most of the waivers were ones commonly granted due to outdated Subdivision Regulations, and would be the subject of later updates. All parties discussed the proposed conditions of approval, with Mr. Kirkland specifically noting that prior to endorsement by the PB of the approved site plan, the ANR merging Parcel E with 11 Cranberry Lane must be recorded at the Plymouth Registry of Deeds (Condition 9), certain final revisions to the site plan must be made (Condition 11), the Operation and Maintenance documentation should be submitted as a standalone document for ease of reference (Condition 13), impervious coverage should be limited to no more than 15% of the overall lot (Condition 14), and a draft SWPPP should be submitted at least three (3) months prior to the Pre-Construction Meeting; the PCM would only be held after the SWPPP had been approved and a NPDES permit issued.

Mr. Chessia briefly noted that the conditions should specify the use of silt sock for erosion control, as the use of hay baling is not allowed in Norwell. Mr. Kirkland also asked that applicants ensure that the engineering review escrow account maintain a balance of the required \$20K.

The residents of 296 Cross Street thanked Mr. Kopacz for his open communications with all neighbors, but requested that the proposed staging area in Lots 1 and 2 be moved to the area of lots 8-10 to address their noise and safety concerns. Mr. Morse indicated that the staging area had been sited near an existing barn and paved area; Kopacz added that this area was relatively level, whereas the area around Lots 8-10 is on a steeper slope. After further discussion, Applicant agreed to move part of the staging area into lots 3 and 4, further out from the barn.

Prior to the final vote, Mr. Kirkland noted that Applicant had proposed the name "Webster Farm Way" for Road A while many of the submitted documents had referenced the name "Wester Farm Drive," and asked if the Board wished to change the name for Road A to "Drive." After confirming that the proposed street names had been approved by the Fire Chief, Chair Sullivan indicated he had no issue with the street names as presented.

Mr. Mauch thanked all parties for their diligence throughout the duration of the project. Mr. Kopacz commented that the project is already being discussed in the farming community as a template for future developments.

Motion by Mr. Mauch to accept and approve the conditions and waivers as described in Town Planner's 5/8/19 Staff Memorandum to the Planning Board regarding Old Oaken Bucket Estates, as described in said plan, with the condition that the single-sidewalk waiver be negotiated as mitigation for improvements to Cross Street. Duly seconded and unanimously voted.

Motion by Ms. Crystal-Lowry to accept the street names as suggested by the Applicant in the Town Planner's 5/8/19 Staff Memorandum to the Planning Board regarding Old Oaken Bucket Estates. Duly seconded and unanimously voted.

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

Hitchin Post Lane – 7-Lot OSRD Residential Subdivision

Continued Public Hearing

OSRD Special Permit & Development Plan

Circuit Street

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

Applicant Mark Raimondi present along with Gary James, James Engineering. Also present were three (3) area residents.

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

Mr. Raimondi advised that at the PB's request, Mr. James had prepared a conceptual Conventional Subdivision Yield Plan with a standard 550-ft roadway, yielding five (5) lots. Unlike the previous 7-lot plan, this plan uses all 17 acres of the property.

He had also worked with the owner of the adjacent Beach property to deed it to the Town, which would make the Town the sole abutter to the OSRD. Mr. Raimondi stated the OSRD would use only 6 acres of the 17-acre property; the remaining land would be donated to the Town, which would link up multiple Town-owned parcels for further use. No work would be required in any wetland buffer zones. Ms. Crystal-Lowry pointed out that the Town did not own all adjacent parcels at the time of the application, and asked Applicant to make sure that all current abutters were properly notified.

The Board then reviewed the 5-lot conceptual plan for buildability. Chair Sullivan noted that one of the lots seemed questionable since it required a significant wetland crossing. He also questioned whether Lot 1 had the required frontage. Mr. James stated he had used that lot's frontage on Circuit Street to reach the needed number.

All parties also noted and discussed the use of a common driveway in the conceptual plan. Mr. Kirkland stated that if the base of the "Y" of a common driveway was 100-ft or less in length, it was allowed by a building permit; if the base was between 100-300-ft, as in this case, the driveway was allowed by special permit.

Kent Lahey, 256 River, commented that Planning Board Engineer John Chessia had said one of the lots on the 7-lot conceptual plan did not meet the square footage requirements. Mr. Kirkland stated that Engineer Chessia was still reviewing the 7-lot plan and would be providing comments.

Todd McCaughey, 268 River, asked how Applicant was able to go from two (2) buildable lots to five (5). Mr. Campbell explained that two lots is how the property is currently subdivided, and Applicant is currently trying to prove that the land can be re-subdivided to create five (5) lots.

Kent Lahey, 256 River, asked whether the proposed land donation associated with the OSRD met the 50% upland requirement; Mr. James indicated that 53.9% of the donation would be upland. Mr. Lahey also asked if the proposed repaving of Circuit Street would impact the timing of the permitting and development. Mr. Campbell indicated that it could, as Highway Surveyor Ferguson was currently in negotiations with Toll Brothers regarding this work at the nearby Norwell Estates.

Roger Allaire, 264 River, claimed the property was not being used for the intended purpose, and everything proposed was based on the assumption of waivers.

Ms. Crystal-Lowry commented that her understanding was that the PB had asked for a conceptual Conventional Subdivision Yield Plan that didn't require any waivers in order to establish the number of allowable lots for the OSRD Yield Plan. Mr. Kirkland noted that the 5-lot plan before them did not require any waivers. Mr. Mauch stated that Applicant was asked to provide a "clean" project based upon the conventional Subdivision Regulations, and believes this meant a plan with no variances or special permits.

Discussion ensued as to how to establish the number of "by-right" lots. Mr. Kirkland stated that the PB is the Special Permit Granting Authority within the OSRD Bylaw, and are enabled to grant certain waivers under the Bylaw. Under the OSRD Bylaw, the number of lots in an OSRD Yield Plan is limited to the number of lots you could get in a conventional subdivision on the same land with the standard 550-ft roadway, (the Conventional Subdivision Yield Plan). The PB has the ability to waive the length requirement for an OSRD road, but doing so would not get an applicant more lots.

Mr. Kirkland advised that Town Counsel had indicated that any Conventional Subdivision Yield Plan requiring a variance would by definition, be a deviation from the OSRD Bylaw. Town Counsel had indicated that given unique site limitations, Applicant could seek a variance from the Board of Appeals, which could allow the PB to consider waivers on the Conventional Subdivision Yield Plan.

Mr. Raimondi noted that the purpose of the conceptual plan was to provide this “by-right” number, and did not represent what they were actually looking to build. Mr. James commented that they would like to take the plan to the Board of Appeals to request a variance, thereby establishing the “by right” number, but did not wish to do so without PB support.

After some further discussion, Chair Sullivan asked Applicant to revise the conventional 5-lot plan to provide additional detail regarding the frontage for Lot 1 as well as the common driveway. He also suggested that they wait to receive Mr. Chessia’s comments before making the revisions.

Motion by Mr. Campbell to continue the public hearing to June 12 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.

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

Mr. Kirkland advised that a request for continuation had been received at the Planning Dept. Office.

Motion by Ms. Crystal-Lowry to continue the public hearing to May 22, 2018 at 7:30 PM. Duly seconded and unanimously voted.

MISCELLANEOUS

Ms. Crystal-Lowry advised that she will be unable to attend the May 22 meeting.

Mr. Mauch noted that this was his last meeting as a Board member, and thanked Mr. Kirkland and all Board members for their service and diligence. Mr. Campbell asked if Mauch’s departure would create a quorum issue for Schooner Estates or Hitchin Post Lane; Mr. Kirkland indicated that these projects can be approved by the current voting members, but not a newly-elected member.

Committee Liaison Reports

Chair Sullivan noted that the Carleton Property Committee had recently held a public event to clean up the stone walls on the property.

2019 Town Meeting Discussion

The Board discussed various aspects of the 2019 Town Meeting, including the approval of funding to extend the Main Street sidewalk and reliable methods to measure sidewalk usage.

Also discussed was approval of Articles from the Bylaw Review Committee updating and recodifying the Zoning Bylaw. Mr. Kirkland stated that BLRC Chair Sally Turner had claimed the PB had not advised the Advisory Board or Town Meeting of its positive recommendation of these Articles, but noted for the record that he had sent the appropriate documentation to Town Clerk, Town Administrator, Town Counsel, and the Chair of the Advisory Board in a timely manner. Mr. Mauch further added that Ms. Turner knew of the PB's position, as she was in attendance when the PB voted its approval.

Citizens Petition Legal Advertising Fee Policy

Mr. Kirkland circulated a revised fee schedule, including a statement establishing fees for legal notices for public hearings where the PB is not the petitioner. All parties discussed whether there was a need to increase certain fees.

TOWN PLANNER'S REPORT

Mr. Kirkland advised that the proposed improvements to Bay Path Square (119 Washington Street) had received Board of Appeals approval. All parties briefly discussed a forthcoming plan to renovate Town Hall.

NEXT MEETING

June 12, 2019 – Town Hall, Room 112, 7 pm

ADJOURNMENT

There being no further business, motion was made by Ms. Crystal-Lowry to adjourn at 9:18 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 12, 2019.



Scott Fitzgerald, Board Clerk

Copy filed with: *Brush S.M.W.*
Office of Town Clerk
File

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