

Office of Planning Board

TOWN OF NORWELL – COUNTY OF PLYMOUTH

Planning Department

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TOWN OF NORWELL
PLANNING DEPT.

**Norwell Planning Board Meeting Minutes
6/26/2019**

The meeting was called to order at 7:05 P.M. with Chair Brendan Sullivan presiding. Also present were Town Planner Kenneth Kirkland, Vice Chair Jamie Crystal-Lowry, and Board Members Brian Greenberg, Scott Fitzgerald, and Patrick Campbell. The meeting was held in the Planning Dept. 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 May 8 and June 12, 2019 meetings were distributed and reviewed. The June 12 minutes were edited to correct a typo.

Motion by Mr. Campbell to approve the Minutes of the May 8 meeting as submitted. Duly seconded and unanimously voted.

Motion by Ms. Crystal-Lowry to approve the Minutes of the June 12 meeting as amended. Duly seconded and unanimously voted.

Mr. Campbell commented that at the March 27 hearing for the 959 Main Street / Parker Street ANR, he had asked Applicant Paul Jevne whether he had notified all abutters and Mr. Jevne indicated that he did. Mr. Campbell was subsequently told by abutter Ellen Mosher that she had not in fact been notified. Mr. Campbell would like his question to Mr. Jevne, and Jevne's response, to be reflected in the record. Chair Sullivan noted that abutter notification was not required for ANRs.

BILLS

The following invoices were presented for approval:

Christopher Sullivan	Meeting Minutes (6/12 & 6/26)	\$300.00
Gatehouse Media	Schooner Estates legal ad	\$480.48

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

SUBDIVISIONS AND LAND DEVELOPMENTS

Hitchin Post Lane – 7-Lot OSRD Residential Subdivision

Continued Public Hearing

OSRD Special Permit

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

Mr. James stated that they would like to go forward with the OSRD but with seven (7) lots. Under the Bylaw, to get the seven (7) lots, they would need a variance from ZBA allowing the PB to consider the seven-lot conventional subdivision plan previously presented to the PB. He asked the PB to consider sending a letter of endorsement of this plan to ZBA, as they were unable to proceed further with the Conservation Commission until this issue was resolved.

Mr. James noted that they had made their case for the OSRD in previous hearings in terms of reduction in disturbance, donation of the majority of the seventeen (17) acre property to the Town, and the possibility of walking trails around the OSRD. In response to questions from Mr. Greenberg, Mr. James stated they would not seek the variance from ZBA without endorsement from the PB, and they would seek to build a five-lot conventional subdivision if they did not get the variance.

Ms. Crystal-Lowry asked Mr. James whether there were currently any trails on the adjacent Town lots; he was unaware of any official trails, but there may be a cart path. In response to follow-up questions from Members Crystal-Lowry and Campbell, Mr. James indicated they would be willing to install the proposed walking trails, up to the standard of other Town trails, at their own expense if the OSRD were permitted. They were also willing to work to provide parking for the trails on one of the Town parcels, and had had some initial conversations with the Conservation Commission to that effect. Mr. Campbell noted that the Town had some land off Green Street that might be suitable. The land is too wet for playing fields, so trails seem to be the only viable public use.

Chair Sullivan asked Mr. James about percolation testing; they had done testing on the property previously, when considering a 40B development, and have done several additional tests as part of this application. Mr. James indicated that the soils on the property were sufficient to support five (5) or seven (7) lots.

Todd McCaughey, 268 River Street, commented that much of the proposed land donation was wetland, and felt the Town already had existing underutilized trails. He would prefer that the Applicant proceeded with a five-lot conventional subdivision. Roger Allaire, 264 River, agreed that the open space was not usable from his perspective, and stated he also preferred bigger and fewer lots, so that all his neighbors had similar-sized houses.

Mr. Campbell pointed out that the nearest houses would be 400 feet closer to his property with a five-lot conventional subdivision. Mr. Raimondi felt that the seven-lot OSRD was more abutter-friendly than a five-lot conventional subdivision for this reason. However, Allaire reiterated that he wanted all neighbors in the area to have similar-sized lots.

Kent Lahey, 256 River, asked if the PB's Engineer had reviewed the latest plans. Mr. Kirkland responded that Engineer Chessia had conducted an initial review, but a detailed engineering review would not be done until the allowable yield was established and the actual plan to be permitted was finalized. In response to a follow-up question from Mr. Lahey, Ms. Crystal-Lowry indicated that Chessia would verify the number of buildable lots, but reaffirmed the PE stamp on the site plan also backs up the representations made therein.

At this point, the Board members were polled as to whether to recommend a variance to ZBA. Ms. Crystal-Lowry noted that Mr. Kirkland had commented that the PB should not take into account financial aspects in considering a project, and indicated that her position had not changed from the last meeting. She feels that the OSRD Bylaw was written to eliminate loopholes, and did not want to set a precedent that would apply to future OSRDs by recommending a variance that would yield additional lots.

Mr. Campbell agreed that recommending the variance would be improper but noted that a five-lot conventional subdivision may not negate the possibility of having pathways, as this may be negotiable with the future Owner of Builder's Lot 5.

Mr. Greenberg commented that the proposed land donations were not compelling to him, as the Town had trouble maintaining the land it already had. Philosophically he would probably vote to recommend the waiver if the other Board members agreed, as he had voted against the change to the Bylaw that tied the number of OSRD lots to what could be built in a conventional subdivision on the same land, but he did not want to override the feeling of the rest of the Board; he also felt ZBA was unlikely to grant the waiver. Mr. Campbell briefly responded that he agreed that OSRDs should have been incentivized in the Bylaw by some provision for additional lots.

Mr. Fitzgerald briefly expressed appreciation that the Applicant seemed to be working in the spirit of the OSRD Bylaw, as the open space component had been deficient in previous OSRDs. Chair Sullivan agreed with the majority of the Board that recommending the variance would be improper.

Mr. Kirkland briefly discussed his memorandum to Board members, noting there was possibly a case for a variance based on the site conditions; however, given the ZBA's general unwillingness to grant variances, he could not recommend approval of the 7-lot OSRD because he was not sure the variance would be granted.

Mr. James asked whether length of road and other requirements were negotiable with an OSRD, as this would be a factor in considering whether to propose a five-lot OSRD. Ms. Crystal-Lowry felt that waivers in general would be easier to get with an OSRD; Mr. Kirkland strongly recommended the Applicant consider coming back with a proposal for a five-lot OSRD and look at ways to reconfigure the size and location of the lots for greater marketability.

Ms. Crystal-Lowry indicated that Mr. Kirkland could convey the PB's opinion to ZBA and there was no need for a formal vote. The hearing was continued to allow the Applicant to consider their options; they will notify Mr. Kirkland by August 6 if they decide to request a variance from ZBA.

Motion by Ms. Crystal-Lowry to continue the public hearing to August 28 at 7:15 PM. Duly seconded and unanimously voted.

MISCELLANEOUS

Pathway Committee Appointment

Mr. Kirkland advised that a resident had applied to become an alternate member of the Pathway Committee. As Pathway is a sub-committee of Planning, the PB is responsible for appointing Members and Alternates. The Board requested that she appear at a future meeting.

Board Reorganization

The Board discussed positions and liaison assignments for the upcoming fiscal year. Mr. Sullivan will continue as Chair and Ms. Crystal-Lowry will continue as Vice-Chair. Mr. Fitzgerald will continue as Clerk and Mr. Greenberg will be the Alternate Clerk.

Ms. Crystal-Lowry will be liaison to the Open Space Committee; Mr. Greenberg will be liaison to the Capital Budget and Economic Development Committees; Mr. Campbell will continue as liaison to CPC and Complete Streets. Chair Sullivan will continue as liaison to the Pathway Committee; he is also a member of the Carleton Property Committee but technically is not a liaison.

Mr. Kirkland requested that the Board consider granting him the authority to sign decisions and documents. Mr. Fitzgerald supported the idea, as it would reduce the amount of signing he had to do as Clerk.

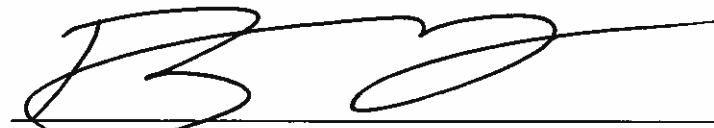
NEXT MEETING

July 10, 2019 – Town Hall, Room 112, 7 pm.

ADJOURNMENT

There being no further business, motion was made by Mr. Campbell to adjourn at 8:30 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 July 10, 2019.



Scott Fitzgerald, Clerk

Brian Greenberg, Alternate Clerk
Copy filed with: Office of Town Clerk
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Post to Planning Board Webpage