



Office of Planning Board

# **TOWN OF NORWELL – COUNTY OF PLYMOUTH**

Planning Department

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## **Norwell Planning Board Meeting Minutes 9/25/2019**

The meeting was called to order at 6:45 PM with Chair Brendan Sullivan presiding. Also present were Town Planner Kenneth Kirkland, and Board Members Brian Greenberg, Scott Fitzgerald, and Patrick Campbell. Unable to attend was Vice Chair Jamie Crystal-Lowry. The meeting was held in the Planning Dept. Office.

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

*After a motion was duly made by Mr. Greenberg and seconded, it was unanimously voted to approve the Agenda as amended.*

### **APPROVAL OF MINUTES**

Tabled.

### **BILLS**

The following invoices were presented for approval:

Christopher Sullivan	Meeting Minutes (9/18)	\$150.00
Chessia Consulting Services	OOB Estates	\$1,510.00
	Schooner Estates	\$560.00
	Hitchin Post Lane OSRD	\$72.50
Tabitha Dos Santos	Notary Fees/Supplies	\$32.71
		\$75.07
		\$60.00
Gatehouse Media NA	Schooner Estates	\$461.76

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

### **CITIZEN COMMENTARY**

None.

### **APPOINTMENT – BOARD OF SELECTMEN**

Ellen Allen, Jason Brown, Alison Demong, and Bruce Graham present for the Board of Selectmen (BOS) along with Town Administrator Peter Morin and Gregg McBride, Chair of the Community Housing Trust.

Selectmen Allen commented that she had been working with Chair Sullivan regarding prospective zoning changes and other issues, and would like to keep the lines of communication between both Boards open in light of the fact that their meeting times overlap.

### **Town Center Revitalization Project**

#### ***Public Informational***

Ms. Demong advised that Senator Patrick O'Connor had secured a \$75K state redevelopment earmark for improvements to Norwell Center, and that the Complete Streets Committee is meeting to come up with a proposal to utilize this funding, likely involving streetscape and/or parking improvements. The funds have to be spent by June 30, 2020.

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BOS has been meeting with property owners downtown on possible improvements, and there is a desire to improve on what currently exists in terms of signage, parking, and lighting, with traffic calming being a top priority. Other ideas include possible development of the area behind the Gallagher Building and a way to connect the existing parking areas off Main Street. In response to a query from Mr. Fitzgerald, Ms. Demong indicated there was some interest among those consulted about creation of an overlay district. Mr. Fitzgerald felt that wastewater and septic issues would be the main challenge to further development in the Center.

### **Potential Town Meeting Articles**

Mr. Graham advised that MAPC is providing assistance in writing Zoning articles, as it has done for other towns; he anticipates these will be presented to the BOS by January; they will then be forwarded to the PB. He will loop in the PB as to who is involved in the process.

#### ***Public Informational***

#### **Sign Bylaw Revision**

Ms. Allen briefly noted that Planner Kirkland, Mr. Greenberg, Mr. Graham, and Ms. Demong were working on final revisions to the Bylaw, including an allowance for the use of freestanding signs in Norwell Center. She would like the final proposal to be ready in time for a possible Special Town Meeting in January or early February. The PB will need to hold a public hearing prior to Town Meeting.

#### **MS4/Stormwater Bylaw Revision**

Mr. Graham advised that he and Planner Kirkland had been attending most meetings of the task force charged with this revision. Conservation Agent Nancy Hemingway has been spearheading the effort, as the Conservation Commission would be the permit-granting authority under the revised Bylaw.

Mr. Graham noted that the threshold for triggering administrative review of a project under the new Bylaw is currently proposed to be 1,500 sq. ft. of disturbance, but he felt this threshold may be onerous for small projects. Although Ms. Hemingway maintains that the permitting process would be quick and simple, Mr. Graham would prefer a 5,000 sq. ft. threshold for review so the Bylaw would not impact smaller projects.

Mr. McBride noted that he had sat on the Commission for 18 years, and in his experience the biggest problems he saw were from runoff issues from lots for single-family homes that had been clear-cut prior to construction. He felt that having the 1,500 sq. ft. threshold as proposed could allow the Conservation Agent to head off such problems.

Chair Sullivan noted that a 5,000 sq. ft. standard was more consistent with what was in effect for other towns, but added that neighboring towns also take into consideration other factors such as percentage of impervious surface or total amount of disturbance. He suggested that the task force look at what is done in neighboring towns for additional guidance.

#### **Economic Development – Queen Anne’s Plaza/ Accord Park**

Ms. Allen noted that part of the feedback from the MAPC study indicated that a redevelopment of the area needed to have a housing component in order to be successful. All parties will need to continue to educate residents about the housing needs in Town.

#### **Accessory Dwelling Unit Bylaw**

Mr. Kirkland noted that the current Zoning Bylaw is so restrictive that only relatives of the owners of a lot’s primary dwelling unit can occupy an accessory unit. He, Ms. Allen, and others are looking at revisions to the Zoning Bylaw to allow non-related tenants to occupy the accessory units. Ms. Allen is researching state grant opportunities and has talked to Mr. Morin, who is willing to provide funding for legal assistance from KP Law. These revisions or a new, separate ADU Bylaw are preliminary discussions, and would not be ready for next year’s Town Meetings.

#### **Citizens Petition – Assisted Living**

Ms. Allen noted that this proposal was not being brought forward by any Town committees, and was not in fact presented to the BOS last Spring. She has been in touch with petitioner Steve Regan, who had wanted to appear before the BOS to discuss changes to the proposed overlay district, but petitioner’s attorney, Walter Sullivan, indicated that they wanted to talk to the PB first. They were unsure if they could meet the deadline for the article to be considered at an earlier Town Meeting.

Mr. Graham commented that he favored the concept of having an assisted living facility on the site, but not necessarily the execution, which seemed to approach spot zoning. He noted that currently, any number of commercial establishments could be built on the majority of the property by right. Mr. Campbell noted that the EDC’s suggestion of a through road from Grove Street to 228 may not jive with Regan’s plans for the property. Mr. Kirkland further stated that he has numerous times cautioned the Petitioner from conjoining discussions of the proposed overlay district with a particular site, and that discussions regarding the latter should be tabled until the former has been voted and passed.

All parties discussed when the proposals discussed would be ready for a Town Meeting. Ms. Allen thinks the ALOD Petition would likely be on the Annual Town Meeting in May, but its timing will depend on the petitioner; she thinks the signage and MS4 stormwater Bylaw revisions could also be ready by May. Ms. Demong feels that scheduling the public hearings prior to the respective Town Meetings will be a challenge. Mr. Kirkland stated the timing of Article submissions pose an additional challenge.

Mr. Greenberg briefly discussed his bylaw amendment proposals, including repeal of the Scenic Road Bylaw, repeal of language regarding lot lines, and an amendment to allow for alterations that increase the footprint of the roof line on dwellings on small lots, provided they comply with setback and building height requirements.

### **SUBDIVISIONS AND LAND DEVELOPMENTS**

#### **83 Riverside Drive – 2-Lot Residential Land Development Project**

##### ***Public Informational***

Approval Not Required (ANR) Plan

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Riverside Drive  
Assessor's Map 27A, Block 72, Lot 70

Terry McGovern, Stenbeck & Taylor, present for Applicants. Mr. McGovern thanked the PB for notifying him that the Plan previously submitted would have created a nonconforming lot, which was not the intention. The Board briefly reviewed the updated Plan, which creates a second buildable lot from the existing parcel. Mr. Kirkland noted the previous Owner purchased two lots, and created a double lot, and this Plan sought to reestablish two lots.

Mr. Kirkland indicated that the Plan was timely filed and stamped, met the standard for required Findings of Fact, and is consistent with the Master Plan, Zoning Bylaw, and the Subdivision and Land Development Rules and Regulations. He recommended approval subject to the condition that proof of filing with the Land Court be submitted to the Planning Dept. Office.

*Motion by Mr. Campbell to adopt the Findings of Fact set forth in the Town Planner's Staff Memorandum and endorse the ANR, as resubmitted, for 83 Riverside Drive. Duly seconded and unanimously voted.*

### **34-36 Pleasant Street – 2-Lot Residential Land Development Project**

#### ***Continued Public Hearing***

Scenic Road Plan

Pleasant Street

Assessor's Map 23B, Block 65, Lots 105 & 106

Austin Chartier, McKenzie Engineering, present for Applicant. They are proposing to remove about 30 feet of stonewall and associated underbrush for a driveway opening. There are no trees in the area of the proposed opening. The stonewall and vegetation along the other frontage is being kept as is. Mr. Chartier noted that the wall along Applicant's property was mostly overgrown and not visible in areas, and feels the removal will constitute an improvement over the current conditions.

Mr. Kirkland noted that the opening as proposed was about 8 ft. more than the 22 ft. maximum allowed under the Bylaw. He recommended that the Plan be approved with the condition that the section of wall removed be limited to 22 ft. so as to comply with the Bylaw.

*Motion by Mr. Greenberg to adopt the Findings of Fact set forth in the Town Planner's Staff Memorandum and approve the Scenic Road Plan for 34-36 Pleasant Street. Duly seconded and unanimously voted.*

### **Hanover Crossing**

#### ***Public Informational***

Special Permit / Site Plan Review

South Street / Mill Street

Assessor's Map 23A, Block 63, Lots 1 & 2

Brandon Li, Kelly Engineering, present along with General Manager Ed Callahan, PREP Property Group; also present was Planning Board Engineer John Chessia.

Mr. Li commented that about 22 acres of the mall property was located in Norwell; this was zoned Business C3 and is in an aquifer protection district. The existing mall entrances will remain, but

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there will be a reduction in retail space of about 5 acres. The redeveloped parking area will have 3703 spaces, with an additional 196 spaces "land-banked" and not paved or used unless necessary.

Mr. Li went on to note that about 64 of the land-banked spaces would be in Norwell, and they would be removing a significant amount of pavement from the Norwell component of the property. They would be adding water quality devices, including subsurface recharge systems, where previously there had been no treatment. These had been designed, based on feedback from NSRWA, to reduce the temperature of the runoff before it enters Third Herring Brook, recently designated a cold-water fisheries resource. They are also working with NSRWA and the Conservation Commission on the removal of the Peterson Pond dam, just behind the property.

In response to a query from Mr. Campbell, Mr. Li stated that the maintenance building will be moved out of Norwell. Chair Sullivan asked Mr. Li about the reduction in impervious area; there will be about an acre reduction overall on the site. All parties briefly discussed the possibility of building out the land-banked spaces. Mr. Campbell noted that any lack of parking would likely be limited to 2-3 weeks per year; Mr. Callahan added that they would be unlikely to pave these spaces due to the expense of doing so, and would first look at other parking solutions.

Mr. Chessia commented that installing updated outlets may provide better protection to the cold-water fishery. He also felt that additional information was needed as to erosion/sediment control and dark sky compliance, although he noted that the site was well removed from the nearest Norwell abutters. Mr. Callahan advised that the existing parking lot lighting would be replaced with low-impact LED lighting on lower towers, but that the bright lights along the perimeter belonged to National Grid and would remain. Mr. Li stated that one new light pole would be added to the Norwell section of the property.

Mr. Kirkland commented that Applicants were seeking to receive comments from all reviewing town entities so they could expedite the permitting process. He recommended that the PB grant Applicant's waiver requests concerning parking space size and nonconformity of the Hanover Mall Drive with the 100 ft. Route 3 buffer zone. The remaining waiver requests were primarily engineering-related and generally required additional information.

Mr. Chessia then commented on the remaining waiver requests. With respect to Zoning Bylaw section 3158(a) concerning parking lot design, he indicated that as Applicants had land-banked spaces, they wouldn't need the waiver and the request could be denied with no adverse impact to Applicant.

With respect to Zoning Bylaw Section 3159(a) requiring a new stormwater system, Mr. Chessia felt that the PB would need the capacity calculations for the existing pipes in order to consider granting the waiver. Mr. Li noted that the existing pipes had been operating for 50 years with no known issues; additionally, they were adjacent to Third Herring Brook and the associated wetlands, and he felt their removal might impact these resource areas. Mr. Callahan added that he had not witnessed any flooding on the property in his 25 years as General Manager of the mall. Nevertheless, Mr. Chessia and Chair Sullivan agreed it would be necessary to have calculations as to the capacity of the existing pipes in order to consider granting a waiver.

With respect to Zoning Bylaw Section 3158(b) requiring the stormwater management system drainage depths to be designed using the Cornell Standard, Mr. Li commented that they would prefer to use NOAA Atlas 14, Volume 10, as it was more recent and conservative. Chessia did not feel this to be the case across the board but had no issue with granting the waiver if Hanover was requiring use of the NOAA standard; Chair Sullivan concurred.

Regarding the waiver for Board of Appeals Rules & Regulations Article I Section 2e, Mr. Li indicated that they would like to delay the soil evaluations until the start of construction. Chair Sullivan would like more information regarding this request. Applicants would also like a waiver for Section 2h, as the proposed work will not change the grading noticeably.

With respect to the waiver request for Board of Appeals Rules & Regulations Article 1 Section 7, Mr. Li stated that the contractor will determine where they want to stockpile materials; they would like to submit their Stormwater Pollution Prevention Plan (SWPPP) just prior to the start of construction instead of during the site plan review. Mr. Chessia noted that it was usually a requirement that at least a draft SWPPP be provided for review prior to EPA submission rather than leaving stockpile locations up to the contractor. He added that location of the sediment basins is dependent on where the contractor stockpiles, and the Conservation Commission may have additional input on where stockpiles can or can't be located.

Chair Sullivan agreed that the PB needed this information well in advance, as it takes time to review demolition and erosion control plans, and the start of construction might be delayed if the SWPPP was not submitted during the site plan review. Mr. Chessia agreed that it made sense for Applicant to submit a carefully engineered SWPPP rather than relying on the contractor's judgment. Mr. Kirkland added that the PB typically made other developers submit a SWPPP prior to EPA submission and two months prior to the preconstruction meeting so any issues can be addressed prior to breaking ground. By not submitting the SWPPP in advance, Applicant may gain time in the short run but incur delays later on in the process.

Mr. Li noted that the initial work primarily had to do with demolition, but indicated they were willing to submit a draft SWPPP two months prior to breaking ground. Mr. Kirkland felt a special condition allowing the Section 7 erosion control plan details to be included in the SWPPP would be possible.

With respect to Applicant's waiver request for Board of Appeals Rules & Regulations Article 1 Section 10, Mr. Chessia again felt it would be necessary to review calculations of the capacity of the existing pipes.

*Motion by Mr. Greenberg to continue the matter to October 23, 2019. Duly seconded and unanimously voted.*

#### **SURETY**

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

***Continued Public Hearing***

Definitive Subdivision Plan

Curtis Farm Road

Assessor's Map 21C, Block 59, Lots 43-45, 48-55, & 62

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Scott Miccile and Dave Buckley present for Toll Brothers (TB). Mr. Miccile noted that TB had purchased 13 of the 15 lots in the development but not the roadway. After developing and selling their lots, TB assumed responsibility for finishing the roadway and stormwater systems when it became apparent that the original seller was not going to do so, and developed a plan in conjunction with the PB. However, the implementation of the agreed-to improvements was contingent on TB's ability to obtain easements from the homeowners where the fixtures would be installed. Mr. Miccile stated that at this point, TB had installed fixtures in all the lots they could obtain easements for; the resulting system, although not fully installed as designed, had improved the previous drainage issues in the development.

Mr. Buckley gave additional detail as to where improvements were made and what owners had refused to grant easements, commenting that all parties had been aware from the outset that some of the proposed work may not be done due to homeowner objections. He requested that TB's drainage improvement bond be reduced by the dollar amount of the work they would be unable to perform due lack of easement; they still intend to complete the roadway work that did not require easements.

Mr. Chessia agreed that it may not be appropriate to require TB to hold back funds for work they can't legally implement. Regarding access to perform the work, Mr. Kirkland commented that reluctant homeowners were given the understanding that the drainage and roadway improvements would be done either by TB or by the homeowners themselves; his impression was that the homeowners appeared to be satisfied with the work done to date, and nothing more could be done if individual homeowners were unwilling to grant the easements or access to perform the work.

Chessia noted that there was about \$380,000 in the bond currently, of which about \$227,000 would be needed to finish the roadway and \$125,000 of which had been allocated for the work homeowners had been unwilling to grant easements for. The Board discussed notifying the homeowners in advance regarding the release of the funds. Mr. Fitzgerald cautioned against wording a letter in such a manner that gave homeowners the final say on the release of funds. Mr. Greenberg felt that such advance notice would effectively insert the PB into what was a private matter; Mr. Kirkland concurred and recommended against any such communication as being out of the PB's purview.

*Motion by Mr. Campbell to release all but \$227K from the Norwell Estates surety bond. Duly seconded and unanimously voted.*

#### **ENDORSEMENTS**

**Old Oaken Bucket Estates** – 26-Lot Residential Subdivision

##### ***Public Informational***

Definitive Subdivision Plan

Winter Street, Cross Street, Old Oaken Bucket Road

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

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Mr. Kirkland advised that Attorney Walter Sullivan, representing Applicant, had requested a continuation to October 23.

#### **COMMITTEE LIAISON REPORTS**

No updates.

#### **TOWN PLANNER'S REPORT**

Mr. Kirkland indicated that there were currently no hearings scheduled for the October 9 meeting. Hitchin Post Lane is on the October 23 agenda. Mr. Greenberg would like to add a discussion of his proposed Town Meeting Articles to a future agenda; he will forward the articles to Mr. Kirkland once they are ready.

#### **NEXT MEETING**

October 23, 2019 – Town Hall, Room 112, 7 PM

**ADJOURNMENT**

*There being no further business, motion was made by Mr. Greenberg to adjourn at 9:52 PM. 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 13, 2019. 11/20/19

  
\_\_\_\_\_  
Scott Fitzgerald, Clerk or Brian Greenberg, Alternate Clerk

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