



Office of Planning Board

TOWN OF NORWELL – COUNTY OF PLYMOUTH

Planning Department

Norwell Town Offices, Room 112

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**Norwell Planning Board Meeting Minutes
10/23/2019**

The meeting was called to order at 7:05 P.M. 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

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

Tabled.

BILLS

The following invoices were presented for approval:

Christopher Sullivan	Meeting Minutes (9/25)	\$150.00
Plymouth Registry of Deeds	As-Built Plans, Henry's Ln.	\$150.00
	PB Authorization	\$77.00
Chessia Consulting Services	OOB Estates	\$437.50
	Hanover Crossing	\$976.50
	Norwell Estates	\$1,172.00

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

IV. CITIZEN COMMENTARY

None

V. APPOINTMENT – CITIZEN

Potential Town Meeting Article

Public Informational

Potential Citizens Petition – Assisted Living Overlay District (ALOD)

Attorney Walter Sullivan present for Petitioner Steve Regan. Also present was Thomas Jones, Artis Senior Living Development.

Attorney Sullivan noted that they had appeared before the Board earlier this year to discuss a Town Meeting Article to create an overlay district allowing assisted living developments (ALDs) in the B2-B6 Business Districts; due to feedback they received from residents and officials at the public hearings, they withdrew the Article at the 2019 Town Meeting. Since then, they have created a website, www.norwellassistedlivingoverlaydistrict.com, and had several outreach meetings. They have also greatly reduced the area of the proposed overlay and created a sixty (60) ft. setback from any residential district. They intend to submit their proposal to Town Clerk and go through the public hearing process again. The Petition will require a two-thirds majority vote at Town Meeting, and review by the Attorney General's Office.

Attorney Sullivan noted that under their proposal, an assisted living development in the district would still require a Special Permit and Site Plan Review from the Planning Board. He added that, for most of the property they had in mind, retail stores and restaurants were allowed by-right, and light industrial uses possible with a special permit. He felt an assisted living development would be a significantly less intensive use than those already permitted by-right in the B4 and B5 Business Districts, and Artis would look to schedule shift changes at non-peak times to reduce traffic impacts.

Mr. Greenberg asked why Applicants were creating an overlay rather than making this another by-right use in the business district. Attorney Sullivan felt the concept of allowing such facilities in Town would be more palatable to residents if potential developers had to go through the Special Permit and Site Plan Review processes.

Mr. Campbell asked why the petition language specified a minimum of forty (40) units. Attorney Sullivan felt as a practical matter, it would be unlikely that any operator could profitably operate a facility smaller than that value given the associated costs and regulations. Mr. Jones felt this provision would also ensure that any operator seeking to build and operate a facility in the overlay would have sufficient resources to do so.

Mr. Fitzgerald asked if Applicants had done a traffic study at this point. Attorney Sullivan advised that their traffic figures so far were drawn from general traffic studies concerning assisted living facilities, and that a traffic study specific to the site would be part of the Special Permit and Site Plan Review processes.

Mr. Campbell asked Attorney Sullivan how much staff would be required to serve the estimated eighty (80) residents; they anticipated roughly twenty-five (25) employees for the first shift, fourteen (14) for the second shift, and five (5) overnight employees. Mr. Jones reiterated that they intentionally changed the shift start times to off-peak hours to try to allay traffic concerns. Mr. Campbell also asked why they did not use the term "memory care" in their proposal; they do not expect to exclusively have memory care patients.

The matter was then opened to comments from the public. Brian Lockwood, 26 Jay Road, asked how a possible ALD would fit in to pending Queen Anne's Corner redevelopment proposals; he also asked how the previous overlay proposal made it onto the Warrant, noting that he and others were caught unawares, and expressed skepticism about claims an ALD would reduce the emergency services traffic in Town.

Mr. Greenberg commented that it is not difficult to get a Citizen's Petition on a Town Meeting Warrant, and any resident could do so with 100 Town Clerk-certified signatures; Chair Sullivan added that abutter notification isn't required with such Petitions as it is with standard development proposals. Attorney Sullivan commented that it was not their intent to surprise anybody, and noted that they pulled the original Article after receiving residents' reaction and feedback so it could be revised.

With respect to the Queen Anne's Corner redevelopment, Mr. Campbell stated that he asked that this proposal be considered as part of the evaluation process, particularly in terms of traffic and fit with other proposals for the area. Attorney Sullivan added that an Applicant would have to satisfy traffic concerns as part of the Special Permit and Site Plan Review processes; he anticipated that most concerns could be addressed through sufficient conditioning. Mr. Jones noted that the site was already zoned for restaurant and convenience store uses by-right, which he felt generated similar traffic volumes.

Georgina Mulvey, 11 Jay Road, asked why the original overlay was so large and whether the new district could be considered "spot zoning." Attorney Sullivan indicated that the intent of the original overlay proposal was to try to capture lots with split business and residential zoning. In their new proposal, they have reduced the size of the overlay to try to address resident concerns, but not to the point, he felt, where it would constitute spot zoning. Mr. Campbell noted that lots in two zones (split zones) have been an ongoing issue in this area of Town, with many Owners along Washington Street in particular having a large amount of unusable space in the back of their lot.

Janet Asnes, 7 Franklin Road, asked if the proposal would allow for any other new uses and what the impact would be on water resources given the overlay's location in the Aquifer Protection District; she also commented that many residents likely would not be able to afford to use an ALD in Town.

Attorney Sullivan stated that no other uses would be added under their proposal, and this was specifically set forth in the documentation. With respect to water impacts, Chair Sullivan noted that this would be addressed during the Site Plan Review process and possible hearings before the Conservation Commission.

Carolyn Mulcahy, 170 High Street, expressed concern at increasing traffic in the area, and asked what would be looked at in a traffic study. Chair Sullivan noted that the study would take into account factors such as projected traffic flow, current conditions, and impact of a proposed development. Mr. Jones added that the proper comparator in such a study should be what potential alternative use could be permitted on the site. Mr. Greenberg noted that people will tend to equate the overlay proposal with an actual proposal for an ALD. Attorney Sullivan concurred but noted that if the proposal were to pass, it only meant they would be able to apply and go through the permitting process; the passage of the overlay district is not approval of a particular proposal.

All parties discussed the timing of subsequent hearings. Mr. Kirkland noted citizen petitioners are not required to hold informational meetings, but Applicants wanted to receive feedback from the Planning Board and the public before their official submission. Once a proposal has been submitted, the Town Clerk would certify the signatures; the Planning Board would then hold a public hearing and issue a recommendation which would go to the Advisory Board, Board of Selectmen, and Town Meeting.

SUBDIVISIONS AND LAND DEVELOPMENTS

Hitchin Post Lane – 7-Lot OSRD Residential Subdivision

Continued Public Hearing

OSRD Special Permit / OSRD Development Plan

Circuit Street

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

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

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

Motion by Mr. Greenberg to continue the public hearing to December 11, 2019 at 7:15 PM. 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

Mr. Kirkland advised that a continuation request had been received at the Planning Dept. Office. The matter was continued to November 13; a vote was not needed for this continuance.

MISCELLANEOUS

Mr. Kirkland advised that Old Oaken Bucket Estates has asked for a six-month continuance to finalize legal documents and surety/financing.

Mr. Campbell advised he would be moving out of Town in November, and the November 13th would probably be his last meeting. Under the Town Charter, the Board of Selectmen will appoint a replacement to serve out his term.

The Board discussed the impact of Mr. Campbell's departure on the public hearings currently open. Mr. Kirkland felt it may be possible to take a vote authorizing him to endorse the plans for Schooner Estates and Old Oaken Bucket Estates contingent upon Applicant's fulfillment of all requirements and the successful recording of all legal documents. Mr. Campbell suggested that Mr. Kirkland discuss the matter with Town Counsel.

COMMITTEE LIAISON REPORTS

Carleton Property Committee

Chair Sullivan advised that the Committee had received a request from the Community Housing Trust to set aside about 9.43 acres of land off Lincoln Street for possible affordable housing. The Board of Selectmen recently signed a contract with John Haskins for him to clear the walls along the Carleton fields.

Community Preservation Committee

Mr. Campbell noted that the CPC grant deadline was approaching. Mr. Kirkland is writing a grant for the Pathway Committee. The Board will need to appoint a new CPC liaison after Mr. Campbell's departure.

Complete Streets Committee

Mr. Campbell advised that the Committee had applied for a MassDOT grant for extension of the Main Street sidewalk from Town Hall to Lincoln Street; an answer should be forthcoming by January. Highway Surveyor Glenn Ferguson is preparing to build all or part of this next piece depending on the actual grant award. The Committee also recently met with BETA Group engineers regarding concepts to improve parking and calm traffic in Norwell Center.

Pathway Committee

Mr. Kirkland advised that National Grid had approved the passage of the Wompatuck connector trail through a section of their right-of-way and is awaiting formal authorization.

NEXT MEETING

November 13, 2019 – Town Hall, Room 112, 7 pm

ADJOURNMENT

There being no further business, motion was made by Mr. Fitzgerald to adjourn at 8:04 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 11/20/19.



Scott Fitzgerald, Clerk or
Brian Greenberg, Alternate Clerk

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 Planning File

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