



Office of Planning Board

TOWN OF NORWELL – COUNTY OF PLYMOUTH

Planning Department

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**Norwell Planning Board Meeting Minutes
3/11/2020**

The meeting was called to order at 7:00 P.M. with Chair Brendan Sullivan presiding. Also present were Town Planner Kenneth Kirkland, Vice-Chair Jamie Crystal-Lowry, and Board Members Scott Fitzgerald and Brad Washburn. Unable to attend was Brian Greenberg. 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.

Motion by Mr. Fitzgerald to approve the Agenda as submitted. Duly seconded and unanimously voted.

APPROVAL OF MINUTES

The Minutes of the February 26, 2020 meeting were distributed and reviewed.

Motion by Ms. Crystal-Lowry to approve the minutes of the February 26, 2020 meeting as submitted. Duly seconded and unanimously voted.

BILLS

The following invoices were presented for approval:

<u>Vendor</u>	<u>Invoice</u>	<u>Description</u>	<u>Voucher</u>
Christopher Sullivan	202004NPB	Meeting Minutes (2/26)	\$150.00
Chessia Consulting Services	2327	144-148 Washington Street	\$449.50
	2328	Lot 89, Cordwainer Drive	\$2,137.00
	2329	Hitching Post Lane OSRD	\$279.00
Gatehouse Media MA	CN13866478	Legal Ad (Flood Maps)	\$437.98

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

CITIZEN COMMENTARY

None.

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ZONING BYLAW AMENDMENTS

Accord Pond Park Economic Development District

Public Hearing

Zoning Bylaw

Proposal to amend Norwell Town Code, Chapter 201 – Zoning, Article 6 – Establishment of Districts, by adding a new Accord Pond Park Economic Development District, and amending the Zoning Map accordingly.

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

Mr. Fitzgerald read the Notice of Public Hearing. Selectman Bruce Graham present.

Selectmen Graham indicated that a working group including himself and Town Planner Kirkland had received a state grant to hire consultants from the Metropolitan Area Planning Council, (MAPC) to assist with amending the zoning for the Accord Pond Park (Accord Park Drive, Cordwainer Drive, and a portion of Pond Street) area to encourage greater commercial development. The process came out of MAPC's 2018 "Economic Growth Plan" and included three (3) public meetings at the Cushing Center and outreach to local business Owners and residents, and the Article had been written to incorporate their feedback.

The Proposal would create three (3) sub-districts within the Accord Pond Park Economic Development District: the Pond Street Sub-District; the Accord Park Loop Sub-District; and the Cordwainer Drive Sub-District. the Accord Park Loop Sub-district's building height limitation would be increased from three (3) to five (5) stories, and would also allow for additional lot coverage if a developer uses features such as rain gardens, permeable pavers, or vegetated swales to improve stormwater retention and reduce impacts to the aquifer. Zoning for the Cordwainer Drive Sub-district (Sub-District closest to High Street) would remain unchanged to avoid visual impacts.

As part of the Proposal, the Planning Board would be the Site Plan and Special Permit Granting Authority for applications within the District. The 40R Proposal to allow residential development at Queen Anne's Plaza had been tabled and was not part of the Proposal before the Board.

Mr. Washburn noted that he attended two (2) of the public meetings, and frequently worked with the MAPC. The changes proposed were well thought out and likely to reduce the residential tax burden, and the public had been given ample opportunity to be involved. Chair Sullivan also attended one (1) of the public meetings and agreed it had been well crafted.

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Ms. Crystal-Lowry commented that the three (3) different sub-districts were proof of a thoughtful process and would help allay abutter concerns. She would like someone to reach out to the Accord School so they are aware of the proposed changes, and suggested that the Proposal language be revised to address educational uses, as they are absent from the proposed language. Selectmen Graham indicated he'd reach out to the school as soon as possible.

Ramona Caruso, 30 Grove Street, supported the Proposal, as it was written not to affect residences and could possibly revitalize the office park. Richard Ricciardi, also 30 Grove, asked whether the residential component for Queen Anne's Plaza would be added back into the Proposal; Selectmen Graham indicated that any such Proposal would be part of an Article at a future Town Meeting.

Mr. Graham thanked Town Planner Kirkland for working closely with the Board of Selectmen on the process and whittling down the boilerplate language in the Article. Similar Proposals in the past had not succeeded in part because the Selectmen had not been involved.

Motion by Ms. Crystal-Lowry that the Board forward a positive recommendation to Town Meeting for the proposed Zoning Bylaw Amendment, with the recommended revision of referencing Educational uses under Chapter 40A Section 3. Duly seconded and unanimously voted.

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

Assisted Living Overlay District (ALOD) – Citizen's Petition
Public Hearing
Zoning Bylaw

Proposal to amend Norwell Town Code, Chapter 201 – Zoning, Article 6 – Establishment of Districts, by adding a new Assisted Living Overlay District, and amending the Zoning Map accordingly.

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

Mr. Fitzgerald read the Notice of Public Hearing. Chair Sullivan advised all present that Zoning Bylaw Amendment Proposals, including Citizen's Petitions, did not require abutter notifications, but that the Planning Board was required to hold a public hearing and forward a recommendation to Town Meeting. He further indicated this hearing strictly concerned the Proposal to establish an overlay district, and not any site-specific proposal.

Petitioner Kathleen Glasco, 21 Douglas Ave, stated she was a long-time nurse who had worked in continuing care facilities. There are currently no assisted living facilities in Town, as the memory care unit at Southwood (501 Cordwainer Drive) had been decertified, and she would like to see one in Town so residents would not have to leave to receive such services.

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Ramona Caruso, 30 Grove Street, commented that the Marsh Property on High Street was a poor location for an assisted living facility given its location near the Cole School and traffic in the area, and such facilities should be sited in one of the industrial parks. She also felt the revised overlay district was likely to be “spot zoning” and not allowable under State Law.

Ms. Crystal-Lowry noted that the Petition itself was to add assisted living as a use by Special Permit, and not to expand commercial zones or grant a “permit” for a specific facility at a specific location. After some brief further discussion, Mr. Washburn indicated he would prefer to have the proposal be debated at Town Meeting, where a $\frac{2}{3}$ supermajority vote would be required for its passage.

Motion by Mr. Washburn to make a positive recommendation to Town Meeting for the Assisted Living Overlay District Citizen’s Petition. Duly seconded and unanimously voted.

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

SUBDIVISIONS & LAND DEVELOPMENT PROJECTS

Proposed Memory Care Facility – Commercial Development Project

Public Informational

Site Plan Review

Lot 89, Cordwainer Drive

Assessors Map 11D, Block 17, Lots 89

Brad McKenzie present along with attorney Adam Brodsky, Project Manager Doreen Zankowski, and architect Anthony Vivirito.

Applicants wish to construct a memory care facility near the eastern terminus of Cordwainer Drive in the Business C1 District. A portion of the lot is in the Residence B District, but all construction will be in C1. An informational meeting was held with High Street abutters on January 23. The line for a wetlands just offsite was fixed through an ORAD filed with the Conservation Commission; a Notice of Intent (NOI) will be filed with the Commission for work in the outer buffer. They are also applying for a special permit with the Board of Appeals as part of the current process.

Mr. McKenzie noted that soil testing on the site had come back favorable, and the Site Plan had been designed to comply with all setback requirements. The site will include 51 parking spaces, enough for 28 employees plus one (1) space for every three (3) beds. At the request of the Fire Department they have added a hydrant and are using permeable pavers to accommodate a turnaround and ambulance bay. In response to feedback from Board of Health, they are installing

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a Presby septic system with enhanced nitrogen-removal capability. The stormwater system will include two (2) subsurface infiltration systems. They are currently in the process of responding to Planning Board Engineer Chessia's initial comments, and conducting additional soil testing.

Mr. Vivirito discussed the design features of the building, which will be two (2) stories with 54 units. Core programs and facilities will be located in the center. The facility will be designed to maximize daylight and will include two (2) enclosed courtyards. Kitchen and disposal areas will be in back. Chair Sullivan asked Mr. Vivirito if he would have designed the building to be taller if the zoning allowed it; he would not have, as it creates operational issues, and memory care facilities are usually a single story.

Landscaping features will include an 8-ft. fence, which is required for memory care facilities, and screen plantings for abutters. The area above the septic system will be seeded with pollinator-friendly native seed mix. They are limited in the amount of trees they can plant due to the location of the stormwater systems and wetlands, and are aiming to blend the plantings into the woods in back of the lot. Several retaining walls will be needed to keep areas level for ADA accessibility.

Ms. Crystal-Lowry appreciated the detailed plans at this early stage of review, and asked if it would be possible to replace some parking with landscaping. Mr. McKenzie noted that the Bylaw required a certain number of spaces. Ms. Crystal-Lowry indicated willingness to entertain forwarding a positive recommendation with slightly less parking if there were a concrete benefit.

Ms. Crystal-Lowry also asked about exterior lighting; all lighting will Dark-Sky compliant and lights on the building will be full-cutoff to minimize disturbance to residents and abutters.

Ramona Caruso, 30 Grove, commented on the thoroughness of the Plan and felt it was a good location for this kind of facility.

Mr. McKenzie indicated they would be appearing before the Board of Appeals next week, and the Conservation Commission later in the month.

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

Mr. Kirkland indicated he was waiting to hear back from Town Counsel Galvin as to HOA revisions due to the new buyer wanting easements. Engineering review is complete, and Applicant

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is working out finances. Mr. Kirkland requested authorization to endorse upon resolution of all outstanding issues, as had been granted for Schooner Estates; Ms. Crystal-Lowry abstained, as she was not comfortable with this practice.

Motion by Mr. Sullivan to authorize endorsement by Town Planner upon Applicant's successful resolution of all outstanding requirements as to surety, engineering, and other matters. Duly seconded and approved by a 3-0-1 margin, Ms. Crystal-Lowry having abstained.

MISCELLANEOUS

The Board discussed the possibility of postponing hearings and conducting remote meetings in light of the public health emergency. Mr. Kirkland noted that this matter had been discussed at the Advisory Board meeting the previous night, at which Town Clerk and Town Administrator were present. He indicated the State's Open Meeting Law does not take pandemics or public health emergencies into account, and requires a physical quorum to conduct a public meeting, but this provision could be waived by an Emergency Declaration from the Governor.

Ms. Crystal-Lowry would like to notify Applicants of this possibility and try to postpone upcoming hearings if possible. Mr. Kirkland noted that the only public hearing currently advertised was for the proposed MS4 Stormwater Bylaw updates on March 25. Chair Sullivan suggested that this hearing be postponed, as the Board could make a recommendation on the floor at Town Meeting if necessary.

Motion by Ms. Crystal-Lowry to move the Stormwater Bylaw public hearing from March 25 at 7:15 PM to May 4 at 6:30 PM due to health concerns and the State of Emergency declared by Governor Baker on March 10, 2020. Duly seconded and unanimously voted.

COMMITTEE LIAISON REPORTS

Pathway Committee

A Notice of Intent, (NOI) has been submitted to the Conservation Commission for the Wompatuck State Park access lot and connector trail.

NEXT MEETING

April 8, 2020 – Town Hall, Room 112, 7:00 PM

ADJOURNMENT

There being no further business, motion was made by Mr. Sullivan to adjourn at 8:53 PM. Duly seconded and unanimously voted.

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I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on June 16, 2020.

Scott R. Fitzgerald Tom Phelan
Scott Fitzgerald, Clerk or Brian Greenberg, Alternate Clerk

Copy filed with: Office of Town Clerk
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