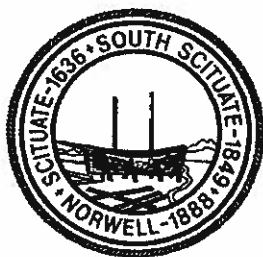


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Office of Planning Board

TOWN OF NORWELL – COUNTY OF PLYMOUTH
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Norwell Town Offices, Room 112
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Norwell Planning Board Meeting Minutes 4/29/2020

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 Brian Greenberg and Scott Fitzgerald. Unable to attend was Brad Washburn. The meeting was held remotely, as allowed under the Executive Order dated March 12, 2020 suspending certain provisions of the Open Meeting Law, Gen. L. c. 30A §20 et seq. and 940 CMR 29.01 et seq.

CALL TO ORDER/AGENDA

Motion by Mr. Sullivan to open the meeting. Duly seconded and unanimously voted by roll call.

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

Motion by Mr. Sullivan to approve the Agenda as submitted. Duly seconded and unanimously voted by roll call.

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

BILLS

The following invoices were presented for approval:

<u>Vendor</u>	<u>Invoice</u>	<u>Description</u>	<u>Voucher</u>
Chris Sullivan	202005NPB	Meeting Minutes (3/11)	\$150.00
Police Details	151229	Pathway Phase III	\$400.32
	151230		\$450.36
	151241		\$200.16
Mass Pavement	2020-058		\$4,841.40
	2020-059		\$3,377.40

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	2020-060		\$3,100.00
P.A. Landers	266910		\$1,134.45
	266911		\$875.00
	267010		\$1,125.45
WB Mason Co.	209167298	Office Supplies	\$28.22
	209133912		\$19.43
	209198447		\$56.82
	209091903		\$4.64
Chessia Consulting Services	2341	Hanover Crossing	\$500.00
	2343	Lot 89, Cordwainer Dr.	\$824.50
	2360	OOB Estates	\$875.00
	2363	Nash Pasture	\$1,687.50
Gatehouse Media MA	CN13873873	Legal Ad (Accord Park)	\$488.24
	CN13877858	Legal Ad (Stormwater)	\$437.98

Mr. Kirkland advised that the Accounting Department was requesting that the Board appoint a single member to electronically approve and sign bills; he will then physically sign the invoices and forward them to Accounting for processing. The current backlog of bills is due in part to this new policy, which will remain in effect for the duration of the State of Emergency.

Motion by Ms. Crystal-Lowry to authorize Chair Brendan Sullivan to sign invoices electronically in accordance with Town Policy. Duly seconded and unanimously voted by roll call.

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

SUBDIVISIONS AND LAND DEVELOPMENTS

296 & 320 Main Street – 2-Lot Land Development Project

Public Informational

Approval Not Required (ANR) Plan

Main Street

Assessors Map 20A, Block 55, Lots 6 & 57

Chair Sullivan recused from voting. Mr. Kirkland indicated that the purpose of this ANR was to confirm in practice a pre-existing land-swap agreement with the Town that helped address hydrologic issues associated with the playing fields at 320 Main Street.

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296 Main property Owner Donald Mauch stated that he offered to swap land on the west side of his lot in exchange for an equivalent amount of land on 320 Main, so that the playing fields could be built. Chair Sullivan added that the swap was approved at the 2000 Annual Town Meeting, but the deeds were never formally conveyed. This ANR is part of the process to memorialize the original swap. Town Counsel will work to finalize the agreement.

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 Registry of Deeds be submitted to the Planning Dept. Office.

*Motion by Ms. Crystal-Lowry to adopt the findings of fact outlined in the Staff memorandum dated April 27, 2020 and **ENDORSE** the ANR for 296-320 Main Street subject to the recommended conditions. Duly seconded and approved 3-0-1 by roll call, Mr. Sullivan having recused.*

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Recused
Scott Fitzgerald:	Aye

ZONING BYLAW AMENDMENTS

Accord Pond Park Economic Development District

Public Hearing

Zoning Bylaw Amendment

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.

Mr. Fitzgerald read the Notice of Public Hearing.

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

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

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Selectman Bruce Graham noted that the Board had forwarded a positive recommendation on the Article at a recent meeting. Since the recommendation vote, the Article had been amended, in response to Advisory Board concerns, to remove two (2) parcels from the proposed Accord Park Loop Sub-District so they would continue to be subject to the existing three-story limitation. In the amendment process, Chair Sullivan pointed out to the Selectmen that the likelihood of these lots actually being developed with five-story buildings was limited. Town Planner Kirkland provided extensive assistance with regard to the wording of the Article throughout the process.

Trustee Werner Gossels of the Accord Park Trust, which owns 70-76 Accord Park Drive, stated he had not been notified about the proposed zoning change. The building has had a number of different businesses, including warehousing, distribution, and educational, and he would like to ensure that all such uses will continue to be allowable under the new zoning. Selectman Graham noted there were several public outreach sessions over the past year, and stated the intent of the Article is to allow all existing uses to continue; for brevity, only the prohibited uses are specified.

Attorney Jeff DeLisi, representing Elevated Access Center, a proposed medical marijuana distribution business at 400 Cordwainer Drive, expressed concern that the Sub-District uses would supersede the overall district uses. Mr. Kirkland stated the Article was not an Overlay, and there would be no loss of use stemming from creation of the Sub-Districts, and medical marijuana would remain a use allowable by special permit.

*Motion by Mr. Sullivan that the Board adopt the Findings of Fact outlined in the Staff Memorandum dated April 23, 2020 and forward a **POSITIVE** recommendation to Town Meeting for the proposed Zoning Bylaw Amendment submittal subject to the recommended revisions. Duly seconded and unanimously voted by roll call.*

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

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

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

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Marijuana Cultivation

Public Hearing

Zoning Bylaw Amendment

Proposal to amend Norwell Town Code, Chapter 201 – Zoning, Article 7 – Use Requirements, and Article 8 – District Use Regulations, by adding marijuana cultivation, manufacturing, and distribution as a use by Special Permit without recreational adult-use retail sales.

Chair Sullivan read the Notice of Public Hearing.

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

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

Attorney Jeff DeLisi, representing Applicant Robert Proctor of Elevated Access Center, advised that in 2016, the Board of Appeals issued a special permit to allow for the cultivation, processing, and distribution of medical marijuana at 400 Cordwainer Drive to Mass Medi-Spa; the property was subsequently sold to Elevated Access Center. The 2018 legalization of recreational marijuana use in Massachusetts made a “medical only” processing facility unlikely to be profitable. As there are two (2) areas in the Zoning Bylaw that do not allow for the processing of recreational marijuana products, they would like to amend the General and Zoning Bylaws to allow a business to obtain a special permit to cultivate, process, and distribute recreational as well as medical marijuana products; the proposed amendments would not permit retail sales in Town.

Attorney DeLisi indicated he had been in communication with the Board of Selectmen and incorporated feedback from Town Counsel into the Article language; he characterized the Articles as providing additional revenue streams to the Town while retaining the prohibition on retail sales.

Ms. Crystal-Lowry inquired whether the Article language was intended to allow the sale of medical marijuana directly from the property; Attorney DeLisi felt that Section 14 of the Bylaw would theoretically allow such sales, but the special permit they have does not allow them to sell medical marijuana from the premises and no such use is proposed. After some further discussion, Section 15 was amended to specify “there shall be no marijuana retailer involved in the retail sale of recreational adult use marijuana or recreational adult use marijuana accessories from its premises.”

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Attorney DeLisi briefly noted they were also looking to amend the General Bylaw language, but Mr. Kirkland advised that the PB did not hold public hearings regarding changes to the General Bylaw.

Motion by Ms. Crystal-Lowry to revise the proposed Section 15 language as discussed. Duly seconded and unanimously voted by roll call.

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

*Motion by Ms. Crystal-Lowry that the Board adopt the Findings of Fact outlined in the Staff Memorandum dated April 23, 2020 and forward a **POSITIVE** recommendation to Town Meeting for the proposed Zoning Bylaw Amendment submittal subject to the recommended revisions. Duly seconded and unanimously voted by roll call.*

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

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

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

MISCELLANEOUS

Deed Indexing Standards - April 2020

Adoption of MGL c.110G (Uniform Electronic Transaction Act) regarding electronic signatures for documents to be recorded at the Registry of Deeds.

Mr. Kirkland noted that the Registry of Deeds is allowing Boards, Committees, and Commissions to permanently allow electronic signatures on documents to be recorded; the Land Court is

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allowing such signatures only for the duration of the State of Emergency. Chair Sullivan felt the Board should adopt the practice as it will expedite the recording process.

Motion by Mr. Sullivan that the Board adopt MGL c.110G, regarding electronic signatures for documents to be recorded at the Registry of Deeds. Duly seconded and unanimously voted by roll call.

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Absent

Mr. Kirkland will circulate for Board member signatures a memo advising the Plymouth Registry that the Board's Clerk, Alternate Clerk, and Town Planner are authorized to electronically sign documents to be recorded.

Future Meetings – State of Emergency

All parties discussed how to conduct meetings and hearings during the State of Emergency. Guidance from Town Administrator Peter Morin and the Board of Selectmen suggested that the Governor's Executive Order tolled public hearings and deadlines until the State of Emergency was lifted, and Board of Appeals and the Conservation Commission had done so. However, this guidance was not strictly binding upon the PB as an elected body. Mr. Sullivan would like the Board to continue to conduct as much business as possible to avoid a backlog when the State of Emergency is lifted.

At the last BOS meeting, Mr. Greenberg asked Mr. Morin and the Selectmen to reconsider their guidance; unless something is obviously complicated or controversial, he would prefer to keep Town business running so residents don't have to put projects on hold. There was some concern about technology limitations, but Selectmen Demong is drafting new guidance allowing for greater flexibility.

Ms. Crystal-Lowry had no objection to electronic meetings but would like to delineate what matters require an in-person meeting and what can be handled remotely. After discussion, the Board determined that ANRs, Scenic Road Plans, and informational meetings regarding larger projects could be held in future remote meetings. Formal public hearings will require an in-person meeting. Mr. Kirkland will draft a policy for discussion and adoption at a future meeting to be posted on the PB Web page following adoption.

TOWN PLANNER'S REPORT

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Mr. Kirkland has had some contact from MAPC regarding the FEMA flood map updates. The next meeting, set for May 27, can be cancelled if no new filings are received. The Town Meeting Article moving the Stormwater Bylaw language from the Zoning to the General Bylaw can be voted on before the rescheduled Town Meeting in June.

NEXT MEETING

May 27th – Remote via Zoom, 7 P.M.

ADJOURNMENT

There being no further business, motion was made by Ms. Crystal-Lowry to adjourn. Duly seconded and unanimously voted by roll call.

Brian Greenberg:	Aye
Jamie Crystal-Lowry:	Aye
Bradford Washburn:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Absent

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



Scott Fitzgerald, Clerk or Brian Greenberg, Alt. Clerk

Copy filed with: Office of Town Clerk
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Post to Planning Board Webpage