



Office of Planning Board

TOWN OF NORWELL – COUNTY OF PLYMOUTH

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2021 JUL 16 AM 11:36

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Norwell Planning Board Meeting Minutes April 14, 2021

The meeting was called to order at 7:10 P.M. with Chair Brendan Sullivan presiding. Also present were Town Planner Kenneth Kirkland, Vice-Chair Jamie Crystal-Lowry, and Board Member Scott Fitzgerald. Unable to attend were Brian Greenberg and Michael Tobin. 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 Vice-Chair Crystal-Lowry to open the meeting. Duly seconded and unanimously voted 3-0-2 by roll call.

Brian Greenberg:	Absent
Jamie Crystal-Lowry:	Aye
Michael Tobin:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

Motion by Mr. Fitzgerald to approve the Agenda as submitted. Duly seconded and unanimously voted 3-0-2 by roll call.

Brian Greenberg:	Absent
Jamie Crystal-Lowry:	Aye
Michael Tobin:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

APPROVAL OF MINUTES

The minutes of the March 24 meeting were distributed and reviewed.

Motion by Chair Sullivan to approve the Minutes of the March 24, 2021 meeting as submitted. Duly seconded and unanimously voted 3-0-2 by roll call.

Brian Greenberg:	Absent
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Jamie Crystal-Lowry: Aye
Michael Tobin: Absent
Brendan Sullivan: Aye
Scott Fitzgerald: Aye

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BILLS

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Town Planner Kirkland indicated that the following invoices had been electronically approved by Chair Sullivan and forwarded for processing in accordance with Accounting Department procedures during the State of Emergency; any Bills so processed must be memorialized in the Minutes of the next meeting.

<i>Vendor</i>	<i>Invoice</i>	<i>Description</i>	<i>Voucher</i>
Bond Printing	41433	Envelopes/Printing	\$121.63
Christopher Sullivan	202105NPB	Meeting Minutes (4/14/21)	\$150.00
Chessia Consulting Services	2627	Schooner Estates	\$1,064.00
Chessia Consulting Services	2629	144-148 Washington St.	\$2,735.00
Chessia Consulting Services	2636	Hitching Post Lane OSRD	\$195.00
Chessia Consulting Services	2640	Cowings Cove	\$136.00
Tasco	2—2020	Main Street Sidewalk	\$5,324.13

SUBDIVISIONS AND LAND DEVELOPMENTS

Hitching Post Lane – 5-Lot OSRD Residential Subdivision

Continued Public Hearing

OSRD Definitive Plan

Circuit Street

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

Motion by Chair Sullivan to open the continued public hearing. Duly seconded and unanimously voted 3-0-2 by roll call.

Brian Greenberg: Absent
Jamie Crystal-Lowry: Aye
Michael Tobin: Absent
Brendan Sullivan: Aye
Scott Fitzgerald: Aye

Mr. Kirkland advised that a request for continuation had been received at the Planning Dept. Office. He anticipates that the proposal will be ready for a vote at the next hearing date.

Motion by Mr. Sullivan to continue the public hearing to April 28, 2021 at 7PM. Duly seconded and unanimously voted 3-0-2 by roll call.

Brian Greenberg: Absent
Jamie Crystal-Lowry: Aye
Michael Tobin: Absent
Brendan Sullivan: Aye
Scott Fitzgerald: Aye

144-148 Washington Street – 2-Storey, 8,435 sq. ft. Commercial / Educational Development
Public Informational
Site Plan Review
Washington Street
Assessors Map 11B, Block 19, Lots 18, & 19

Mr. Kirkland advised that a request for continuation had been received at the Planning Dept. Office. Applicant is responding to comments from Planning Board Engineer John Chessia and would be presenting at a later meeting in May.

SURETY/LOT RELEASE

Schooner Estates – 9-Lot Residential Subdivision
Public Informational
Definitive Subdivision Plan
Stetson Road
Assessor's Map 29A, Block 76, Lots 4, 6, 8-11, 17, 18, 20, & 43

Mr. Kirkland has been working with Rockland Trust to set up the developer's Lender's Agreement, all paperwork is in order, and Planning Board Engineer Chessia has prepared the Construction Bond and Cost Estimate Letter to guide release of the bond. The developer has requested that Builder's Lots 2, 4, and 8 be released for construction.

Town Planner Kirkland and PB Engineer Chessia noted there was a delay with National Grid moving a utility pole currently one third of the way into the subdivision road. Developer Mark McSharry is aware of the issue and has been trying to work with National Grid to get the pole relocated, but there is limited recourse as the issue is outside their control. Engineer Chessia recommended not releasing Builder's Lot 1 until the pole had been moved, the existing garage which straddles new lots lines is moved, and the driveway for 111 Stetson Road is relocated to Schooner Way, as was required as part of the Project. Chair Sullivan prefers that at least two (2) lots be held pending resolution of these issues.

Motion by Chair Sullivan to release Schooner Estates Builder's Lots 2, 4, and 8 at \$515,000.00 surety as estimated in the Construction Bond to be held by Rockland Trust. Duly seconded and unanimously voted 3-0-2 by roll call.

Brian Greenberg:	Absent
Jamie Crystal-Lowry:	Aye
Michael Tobin:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

MISCELLANEOUS

Nash Pasture – Request for Return of Fees

Applicant and Owner Genevieve Davis present to discuss a request that the Board return the application and engineering review fees, totaling \$12,700, for the proposed Nash Pasture subdivision. The application was withdrawn without prejudice at the February 24, 2021 Board meeting, as they had received the necessary variance from the Board of Appeals to proceed and no longer require subdivision approval.

Ms. Davis stated that after the initial hearing in January, they were under the impression that the Board would be willing to grant the waivers necessary to build the subdivision as proposed, but then the Board reversed its position at a follow-up hearing in July. Ms. Davis acknowledged the Board had the right to change its position, but contended it should have done so in January, which would have saved them significant engineering fees.

Town Planner Kirkland indicated that of the \$5,000 engineering funds provided, about \$3,600 had been used to pay Mr. Chessia; the remaining balance would be returned in due course. Application fees typically did not get returned, but stated this was for the Board to decide. Ms. Davis noted that none of the engineering fee need have been spent if the Board had made a decision at the initial January meeting.

Chair Sullivan pointed out that despite its extensive discussion, the Board did not in fact approve the plans in January, and the plans themselves were preliminary in nature. Ms. Davis contended they had been given all the indications that it was on its way to approval.

Mr. Fitzgerald stated he did not want to set a precedent wherein the Board returns fees to applicants who don't get their way. Vice-Chair Crystal-Lowry shared this concern and noted that continuations of hearings and reviews were quite common; in fact, she had never seen a subdivision proposal come before the Board and then get approved at the very same meeting.

Ms. Davis contended that theirs was a unique situation, as they were asking for something not often proposed; Ms. Crystal-Lowry pointed out that those were the projects that are subject to the greatest risk, which is borne by the Applicant. She further noted that the Application Fee would not have been refunded if the Board had issued a denial after the initial January hearing, and thus there was no reason she could support a refund of the Application Fee in this case. Mr. Fitzgerald concurred, as doing so would open a Pandora's Box of refund requests.

Motion by Chair Sullivan to refund only the balance of the Engineering Review fee to Applicant Davis. Duly seconded and unanimously voted 3-0-2 by roll call.

Brian Greenberg:	Absent
Jamie Crystal-Lowry:	Aye
Michael Tobin:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

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After the vote, Town Planner Kirkland noted for the record that Applicants had received a variance from ZBA and will still be able to proceed with their development. He further noted that land developmental proposals are made at an Applicant's risk, approval of Preliminary Plans are not a guarantee of approval of Definitive Plans that are submitted later, and that the Board is allowed to change its opinion on a proposal.

TOWN PLANNER'S REPORT

136 Longwater Drive and 144 Washington Street will be back before the Board at a meeting in May. Vice Chair Crystal-Lowry is going off the Board in May; one person is running for the vacancy.

NEXT MEETING

April 28, 2021 – 7P.M., Remote via Zoom

ADJOURNMENT

There being no further business, motion was made by Chair Sullivan to adjourn at 7:52 P.M. Duly seconded and unanimously voted 3-0-2 by roll call.

Brian Greenberg:	Absent
Jamie Crystal-Lowry:	Aye
Michael Tobin:	Absent
Brendan Sullivan:	Aye
Scott Fitzgerald:	Aye

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on July 14, 2021.



Kenneth R. Kirkland, Town Planner

Pursuant to Board vote on June 16, 2020, for duration of State of Emergency

Original filed with: Office of Town Clerk
Copy filed with: File

Post to Planning Board Webpage

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