



**PLANNING BOARD
TOWN OF NORWELL**

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TOWN OF NORWELL
TOWN CLERK

2016 APR 14 AM 9:02

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**Norwell Planning Board Meeting Minutes
March 23, 2016**

The meeting was called to order at approximately 7:00 p.m. Present were Board Members Ken Cadman, Darryl Mayers, Patrick Campbell, Brad Washburn and Jamie Crystal-Lowry. The meeting was held in the Planning Office.

Zoning By-Law Review Committee Members Bob Woodill, Lois Barbour, Sally Turner, John Litchfield and Skip Joseph were present.

Agenda

Member Crystal-Lowry moved that the Board approve the agenda. The motion was approved by a vote of 5-0.

Bills

Horsley Witten	Invoice 38092	\$1,432.40
Chessia Consulting	Invoice 1524	\$639.70
Rowe Family Trust (Forest Ridge)	Surety Release	\$53,192.00
W.B. Mason	Invoice I32792288	\$33.33

Member Campbell moved that the Board approve payment of the bills. The motion was approved by a vote of 5-0.

Minutes

2/11/16: Member Campbell moved to approve the minutes. The motion was approved 3-0. (Member Crystal-Lowry and Member Washburn recused themselves).

Forest Ridge Surety Reduction

Much of the remaining work has been completed on the subdivision. Outstanding issues to be addressed are identified in the report from Chessia Consulting. These include drainage structure adjustments, street tree and bound installation, adjustments to the outlet structure, as-built completion and remaining clean up.

The Board is currently holding a cash surety of \$74,192.31. Remaining work including a 50% contingency on costs is a maximum of approximately \$21,000. The Board has a written request from Noah Rowe, trustee of Rowe Realty Trust, for a reduction of all but \$21,000.

Member Mayers moved to approve the release of \$53,192.31. The motion was approved 5-0.

Public Hearing: 10 Person Zoning Petition to amend Norwell Zoning Bylaw, Article III §3324.

The public hearing was opened at 7:15.

Mary Ellen Coffee and Mary Beth Shea appeared before the Board to present the proposed amendment. This amendment would limit the period of political sign display to 30 days and allow signs on public property if held by a person at all times. Currently political signs may be displayed for 60 days and no signs are allowed on public property.

This bylaw amendment is being proposed primarily due to campaign supporters planting several signs in the ground near the entrance to the voting areas and leaving them there unattended on town property.

Major Points of Discussion:

The wording of the bylaw does not limit signage to political candidates. The language would fall in a section of the bylaw that appears to pertain only to political signs, but an argument could potentially be made that it pertains to any signage. This could potentially allow commercial signage to be held by an individual on town property.

The amendment would be making signage on public land legal if held by hand, where currently no signage is allowed on public land. This could be creating an enforcement problem. It appears that any enforcement would be more of a police issue than an inspections issue due to the immediate and shifting nature of any violation. Any amendment where police enforcement would be necessary should occur in the town by-laws.

The legality of telling residents when they could and could not install political signs was questioned. Town Counsel does not support the amendment because of the protected nature of political speech. He said in an email that, "there is a recent Supreme Court case of Reed v. Town of Gilbert, Arizona (2015) in which a town's attempt to limit a church's temporary signs announcing services was overturned. In the case, there was some discussion of temporary signs including political signs. In general, our bylaw purports to regulate content based signs and therefore in order to be valid, our bylaw must further a compelling government interest and must be narrowly tailored to that end. I think it is debatable whether decreasing the amount of time furthers a compelling governmental interest."

Member Campbell moved to close the public hearing at 7:50. The motion was approved 5-0.

Public Hearing: 10 Person Zoning Petition to amend Norwell Zoning Bylaw, Article VI Section 6420 Business District B2.

The public hearing was opened at 7:55.

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Chris Carrol appeared before the Board to present the proposed zoning amendment. This map amendment would expand the Business District B to include the property at 170 Washington Street.

This bylaw amendment is being proposed because the owner has not been able to generate any interest in developing the site for single family residential development as it is located on Washington Street in a predominantly commercial area.

Major Points of Discussion:

There are several locations along Washington Street where residential neighborhood roadways intersect with Washington Street. In many of these areas the residential zone is extended to Washington Street incorporating the corner lots. This was done to protect and buffer the communities behind the commercial corridor.

It is apparent that the residentially zoned corner lots are not in high demand as residential sites. Some are operating as businesses, others as home occupations, or some like 170 Washington Street have been derelict for years.

Abutting residents have concerns about the derelict condition of the site, but are also concerned about what uses could potentially locate on the site if it becomes Business District B and what noise, light pollution, odors, etc...could be produced.

Some concerns regarding spot zoning were raised. Town Counsel does not believe this is spot zoning as it is an extension of the neighboring business district.

It was suggested that over the next year the Zoning Review Committee or Planning Board should take a comprehensive approach to rezoning Washington Street and these areas where the residential districts extend to Washington Street.

Member Crystal-Lowry moved to close the public hearing at 8:45. The motion was approved 5-0.

Member Crystal-Lowry moved to recommend against the town adopting the by-law amendment in favor of a more comprehensive approach to rezoning of Washington Street over the next year. The motion was approved 5-0.

Public Hearing: 10 Person Zoning Petition to create Norwell Zoning Bylaw, Article VI Section 7000 Billboard Zoning Overlay District (BZOD) and to amend Article V, §3350, §3343, §3331, §3341 and §3323.

The public hearing was opened at 8:45.

Member Crystal-Lowry moved to continue the public hearing until 7:15 on April 13, 2016. The motion was approved 5-0.

Cowings Cove

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The applicant responded to a request for a progress update on the subdivision with an offer to install the top coat of pavement and complete the construction of the final lot when they are prepared to begin construction. The Board wants to continue with the customary steps to completion which includes paving the top coarse last in the development process. Staff with notify Henry Barr.

ADJOURNMENT

At 9:15 p.m., Member Mayers moved that the Board adjourn. The motion was approved by a vote of 5-0.

I certify that the above minutes were reviewed and approved by the majority vote by the Planning Board on April 16 2016.



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