



TOWN OF NORWELL
Planning Department
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**Norwell Planning Board Meeting Minutes
10/25/2017**

The meeting was called to order at 7:05 P.M. with Chair, Donald Mauch, Sr., presiding. Also present were Vice Chair, Jamie Crystal-Lowry; Board Members Scott Fitzgerald, Patrick Campbell and Brendan Sullivan; and Town Planner, Kenneth Kirkland. Mr. Campbell arrived at 7:10 PM; Ms. Crystal-Lowry arrived at 7:18 PM. The meeting was held in the Planning Dept. Office.

CALL TO ORDER/AGENDA

Motion by Mr. Fitzgerald to open the meeting. Duly seconded and unanimously voted.

APPROVAL OF MINUTES

The minutes of the September 27 and October 4, 2017 meetings were distributed and reviewed.

Motion by Mr. Fitzgerald to approve the Minutes of the September 27 and October 4, 2017 meetings as submitted. Duly seconded and unanimously voted.

BILLS

The following invoices were presented for approval:

| | | |
|-------------------------|----------------------|-----------|
| Christopher Sullivan | 9/27 Meeting Minutes | \$150.00 |
| Christopher Sullivan | 10/4 Meeting Minutes | \$150.00 |
| WB Mason | Supplies | \$16.51 |
| Rubber Stamps Unlimited | Supplies | \$40.82 |
| Chessia | Barrel Lane | \$2742.00 |
| Chessia | Wildcat OSRD | \$1647.00 |
| Chessia | 103 Washington | \$1860.00 |

Mr. Mauch noted for the residents in attendance that the funds to pay Chessia for site plan reviews and comments come from an escrow fund from the developer, not taxpayer funds.

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

WAIVER REQUESTS / RELEASE OF SURETY

Wildcat Hills II - OSRD Residential Subdivision

Jay and Paul Gallagher, of J. P. Gallagher Construction, present.

Mr. Mauch thanked Mr. Kirkland for the thoroughness of his analysis in distilling Chessia's reports into a more user-friendly format for the Board and providing recommendations, noting that this was the essence of what a town planner does.

Mr. Kirkland advised that the As-Builts were hand-delivered to him today, and suggested postponing the final surety release discussion until after the actual site visits.

Jay Gallagher felt they had addressed all but three issues on the original punchlist. He advised that rain gardens were planted in lots 6 and 7, but the plants had died and the new owners of these lots are refusing to allow new plantings. The topography of the gardens is still intact, but they are currently overgrown. He suggested that in lieu of these plantings, they give the \$1000 restoration cost to the homeowner's association (HOA) to fund future plantings.

Mr. Campbell asked whether vegetation contributed to the functionality of a rain garden. Mr. Sullivan noted that, as long as the gardens were graded properly, they should continue to function as they should.

Ms. Crystal-Lowry expressed concern that the HOA would not know how to properly maintain the gardens, and that they would eventually be filled in or deteriorate over time. She suggested that the Gallaghers instruct the HOA on how to maintain the rain gardens in the development. Paul Gallagher indicated they would do this at the November 8 meeting, and Jay noted that most maintenance functions would likely be outsourced to a management company. Mr. Mauch agreed that this is what most HOAs do.

The second issue concerned a street tree on a corner lot. Jay advised that the owner already had two trees on their lot and didn't want to plant a third. Mr. Kirkland recommended waiving the planting of the third tree.

The third issue concerned a missing tree on another lot. With the PB's concurrence, Mr. Mauch asked Mr. Kirkland to resolve this issue at his discretion.

Ms. Crystal-Lowry requested that review of the As-Builts and release of surety be placed on the agenda for December 13, as there will not be enough time to review before the November 8 meeting.

Motion by Ms. Crystal-Lowry to approve the waivers as submitted and recommended by the Town Planner. Duly seconded and unanimously voted.

Motion by Mr. Fitzgerald to allow Wildcat LLC to contribute \$1000 to the Wildcat HOA in lieu of compliance with the provisions relating to rain gardens on Lots 6 and 7. Duly seconded and unanimously voted.

SITE PLAN REVIEW

Proposed Commercial Building - 103, 111, & 113 Washington Street

Charles Hajjar, Hajjar Management Co., Attorney Walter Sullivan, and Peter Palmieri, Merrill Engineers, present along with about 12 area residents.

Mr. Mauch advised all present that the purpose of site plan review is to review the plans for compliance with regulations, without regard to likes or dislikes, and to issue nonbinding recommendations to the Zoning Board of Appeals (ZBA), who then decides whether or not to issue a permit. The purpose of the Planning Board (PB)'s discussion is strictly to decide whether the plans filed are in compliance with the regulations, and whether or not to recommend their approval to the ZBA.

Mr. Kirkland advised that the applicant had filed another set of plans with his office late in the afternoon, but these plans could not be discussed at this meeting as there had not been the necessary time for Mr. Kirkland and consulting engineer John Chessia to review them.

As the most recent plans were not timely filed, Mr. Mauch asked Attorney Sullivan whether they wished to continue the matter to the next meeting to allow the PB time to review the new plans; alternatively, the PB could discuss the previous, timely filed plans and issue recommendations strictly based on that information. Mr. Campbell added that the next meeting would not be until December 13. Ms. Crystal-Lowry further advised that discussion of the old plans may not expedite the ZBA's review if there were newer plans in hand.

Attorney Sullivan stated that the revisions were made in response to Mr. Chessia's comments, and considered the changes to be additional information to the existing plan. He requested that the PB discuss and act on the previous, timely filed plans, as the ZBA has been waiting for the PB's recommendations.

Mr. Kirkland advised that in his memoranda he had issued a positive recommendation for the 103, 111, and 113 Washington Street (Lot B) site plan but noted that this would in fact increase the nonconformance of the 12 Grove/95 and 103 Washington Street lot (Lot A) with regards to the percentage of impervious surface, and therefore issued a negative recommendation for the Lot A site plan.

Mr. Kirkland noted that most of the area in question is in the Aquifer Protection District, and any groundwater off impervious surfaces goes into the aquifer, impacting drinking water. The reason for the impervious surface requirements in this district is there is no filtering of oil and other waste when stormwater washes off impervious surfaces.

Attorney Sullivan advised they had been discussing a possible variance with the ZBA. Mr. Mauch noted that the ZBA had not granted many variances on non-conforming lots. Attorney Sullivan indicated that this would ultimately be a ZBA determination. Mr. Kirkland agreed, but noted that it was the PB's role to provide recommendation strictly based on compliance with the rules and regulations.

After further discussion as to possible mitigation and ways to increase the pervious surface, Mr. Mauch advised the applicants that the PB could either take no action or send recommendations to the ZBA based on the information in the timely filed plan. Attorney Sullivan requested that the

PB provide recommendations, as this would be needed for them to appear before the ZBA. Ms. Crystal-Lowry added that the recommendation would be based on consideration of both plans together, as one impacts the other.

Motion by Ms. Crystal-Lowry forward a negative recommendation on the plans presented and discussed at the meeting to the ZBA. Duly seconded and unanimously voted.

At this point, Mr. Palmieri noted that they had asked for an informal meeting to discuss the best approach to developing the property but were directed by the PB and ZBA that they had to create lots. He felt that this approach was a disservice to property owners in town.

Mr. Mauch pointed out that they could now move forward with the ZBA, and the applicants could subsequently file a new plan if they wished. He added that the PB tries hard to accommodate business development, as the commercial tax base is important to town finances, but it also behooves the PB to issue recommendations that are in compliance with the rules and regulations.

Mr. Hajjar noted that they had appeared repeatedly before town boards with regards to this property and felt an undue burden was being placed upon them. Ms. Crystal-Lowry reiterated that the only decision they could make tonight was in regards to the original, timely filed plans, and asked the applicants whether they wished the PB to comment on the new plans in the December meeting; she noted that this did not mean that the ZBA would receive any additional comments in time for their next meeting. Mr. Campbell added that he wasn't sure their cause would be advanced by this additional review, but Mr. Sullivan indicated that they would prefer the PB to review the new plans.

Ms. Crystal-Lowry suggested that they consider making further revisions to the plan before the submission due date for the December meeting, but added that this didn't necessarily mean the PB would change its recommendation. She also suggested meeting with abutters to inform them and possibly gain support, but noted this was not a requirement. Mr. Kirkland added that the filing due date for plans to be discussed at the December 13 PB meeting would be November 22.

MISCELLANEOUS

Committee Liaison Reports

Ms. Crystal-Lowry advised that the next CPC meeting was tomorrow; one grant application, from the Conservation Commission, had been accepted so far.

Mr. Campbell advised that the Complete Streets Committee has resubmitted its sidewalk grant application to the Massachusetts Department of Transportation, and that a meeting between the Economic Development Committee and the MAPC had been postponed.

Other Business:

Mr. Mauch briefly advised that the new drainage system at Norwell Estates was working well.

Town Planner's Report

Mr. Kirkland briefly advised that John Kopacz had submitted an ANR to develop part of his farm, but the paperwork required further revision.

Adjournment

There being no further business, motion was made by Mr. Fitzgerald to adjourn at 9:03 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 November 8, 2017.



Scott Fitzgerald, Clerk

Copy filed with: Office of the Town Clerk
 Planning Board File

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