



TOWN OF NORWELL
 Planning Department
 Norwell Town Offices, Room 112
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 Norwell, Massachusetts 02061
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Office of the Town Planner
 & Planning Board

Norwell Planning Board Meeting Minutes **1/24/2018**

The meeting was called to order at 7:00 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. Ms. Crystal-Lowry left at 7:40 PM. The meeting was held in the Planning Dept. Office.

CALL TO ORDER/AGENDA

Motion by Ms. Crystal-Lowry to call the meeting to order. Duly seconded and unanimously voted.

APPROVAL OF MINUTES

The minutes of the December 13, 2017 meeting were distributed and reviewed.

Motion by Mr. Campbell to approve the Minutes of the December 13, 2017 meeting as submitted. Duly seconded and approved by a 3-0 vote, Mr. Fitzgerald having recused.

BILLS

The following invoices were presented for approval:

Christopher Sullivan	Meeting Minutes	\$150.00
W.B. Mason	Supplies	\$103.23
Chessia Consulting	Henry's Lane	\$240.00
Chessia Consulting	Old Oaken Bucket Estates	\$1440.00
Chessia Consulting	Forest Ridge ANR	\$129.00
Wildcat Hill LLC	Various account release proceeds	\$582.60
Wildcat Hill LLC	Review account proceeds	\$2501.99
Wildcat Hill LLC	Release of surety	\$32,414.30

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

OTHER BUSINESS

Complete Streets Committee Request for Fund Transfer

Complete Streets Committee (CSC) members Peter Bloomfield, Alison Demong, Gary Schaffer, and Kevin Cafferty present. Mr. Mauch noted that he was an abutter to the sidewalk under discussion; although advised that he legally could participate and vote, he recused and left before the discussion started. At that point, control of the meeting was turned over to Vice-Chair Crystal-Lowry.

Ms. Crystal-Lowry advised that, as this legally was not a public hearing, no public comments would be taken. Mr. Kirkland noted for the record that CSC posted publicly that they would be present at this meeting for the purposes of the Open Meeting Law.

Mr. Bloomfield requested that the Planning Board allocate \$100,000 from its Pedestrian Travel Improvement Fund to supplement the MassDOT Complete Streets Grant (CS Grant) funding for a proposed sidewalk along Main Street from South to Circuit Streets. He then discussed the process by which the project was conceived in regards to the Complete Streets Prioritization Plan, and consultation with Stantec and other Town committees.

The current cost estimate for the CS Grant project is about \$500,000 but he noted that Highway Surveyor Glenn Ferguson had built some cushions into the estimate. They have received verbal approval for a \$200,000 grant from MassDOT and are awaiting written confirmation.

In discussing how to fill the remaining funding gap, they learned of the Planning Board's Pedestrian Travel Improvement Fund. A \$100,000 allocation from the fund would leave just \$200,000 to be requested from town meeting. They considered looping the request in with a bond issue for Main Street, but were advised not to do so. Ms. Demong added that the project was being done in stages so it is less of a hit financially. The pending Whiting Fields purchase may eliminate the need for some of the sidewalk.

Mr. Campbell noted that the MassDOT grant leveraged local dollars. These kinds of grants give towns a financial stake in the project's outcome as well as leverage to ask the state for additional funding if needed to finish the project. Ms. Crystal-Lowry agreed that substantial funding from the Town would demonstrate its commitment to the project.

Mr. Kirkland advised that he had researched the history of the fund and found in December 1999 Board minutes a vote to establish a Pedestrian Improvement Fund "for the purpose of receiving gifts and grants to be expended for pedestrian improvements." He also obtained financial records for as far back as electronic Accounting records go, and determined the account has a current balance of \$129,869.25. Developers would gift monies to the fund to be used for sidewalks and other improvements and the fund had lately just been accruing interest. Mr. Kirkland felt the Main Street sidewalk project would be a highly appropriate use of these funds.

Mr. Fitzgerald asked how the PB originally came into possession of the funds. Mr. Campbell advised that an earlier Board had voted to deposit remaining funds from the Fords Crossing Subdivision into the account. He noted that these funds are typically part of the subdivision negotiations for smaller streets not needing two sidewalks, whereby a developer gifts an amount of money equivalent to the value of the uninstalled second sidewalk that can be used for sidewalks or improvements elsewhere.

Ms. Crystal-Lowry asked whether there were any restrictions associated with the funds. Mr. Kirkland advised the funds could not be used to cover overhead or deficits, and that the project needs to align with the stated purpose of the account (pedestrian improvements). There were no earmarks that he knew of.

Ms. Crystal-Lowry noted that one of previous Planner Chris DiIorio's priorities was to make the Town Center more pedestrian accessible and friendly; she felt the Main Street sidewalk would get the Town closer to this goal and aligned well with the Board's objective of increasing walkability.

Mr. Kirkland added that the Board could condition the transfer of funds upon the Board of Selectmen approving a warrant article requesting the remaining funds from Town Meeting. Mr. Campbell asked whether a commitment had been made to submit such an article, and Ms. Demong affirmed that one was forthcoming.

At this point, the Board discussed the wording of a motion to approve the distribution. Mr. Campbell suggested and it was agreed that the distribution be treated as "last dollars in" so that any cost savings would go back into the fund.

Motion by Mr. Sullivan that the Planning Board allocate \$100,000 from the Pedestrian Improvement Fund towards the Complete Streets Committee's Main Street sidewalk project with the condition that, if additional funds are granted at Town Meeting, any funds left over after the sidewalk is brought to Circuit Street will revert back to the Fund. Duly seconded and approved by a 4-0 roll-call vote (Fitzgerald, Aye; Sullivan, Aye; Campbell, Aye; Crystal-Lowry, Aye), Mr. Mauch having recused.

After the vote, Mr. Mauch returned and resumed control of the meeting.

Subdivision / Land Development Rules & Regulations Amendments - Public Hearing

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

Mr. Fitzgerald read the Notice of Public Hearing.

Mr. Kirkland advised the Board that he has created a PDF file of the Subdivision and Land Development Rules & Regulations and amended some of the language therein. The new file has searchable text and active hyperlinks to PDFs of the forms referenced in the regulations, as well as a link to the Fee Schedule. He also added a placeholder section for anticipated OSRD regulations and amendments, as well as page numbers and headers for appearance and ease of navigation. The majority of the editorial changes were to make the terminology more consistent throughout the regulations.

In consultation with Member Sullivan and Planning Board Engineer John Chessia, he has reduced the number of copy requirements for As-Built Plans from 1 Mylar and 10 paper copies to 2 Mylars, 4 paper copies, and 1 PDF which can immediately be forwarded by e-mail to Board members. He has also changed the number of Mylars required for Definitive Subdivision Plans to two, one for the Plymouth County Registry of Deeds and one for archiving in the Planning Dept. Mylar retains long-term storage integrity and is useful for future reference, archival, and record purposes.

The regulations for ANRs were amended to require that they be recorded at the Registry after 30 days, as is required for Definitive Subdivision plans. He noted that, as ANRs are sometimes filed as placeholders, this change is meant to be flexible on a case-by-case basis at the Board's preference.

Mr. Kirkland also amended the regulations regarding dead-end street design to encourage trail connections between cul-de-sacs and adjacent streets whenever possible, to provide connections between neighborhoods. Mr. Campbell noted there was one such connection in his neighborhood that was very well used.

Additionally, Planning Form A-4 was created to require it to be taken to the Town Assessor first, who would sign off approving the abutters listed on the ANR Plan are correct; only then can the form and ANR materials be submitted to the Planning Dept. Office. This will hopefully eliminate the need for resubmissions due to incorrect abutter listings.

Mr. Mauch requested that Mr. Kirkland provide a summary sheet of all changes, and make a hardcopy of the updated document available in the Planning Dept. Office.

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

Motion by Mr. Campbell to close the public hearing. Duly seconded and unanimously voted.

SUBDIVISIONS AND LAND DEVELOPMENTS

Old Oaken Bucket Estates - Public Hearing - 27 Lot Residential Subdivision

Motion by Mr. Campbell to open the public hearing. Duly seconded and unanimously voted.

Mr. Fitzgerald read the Notice of Public Hearing. Applicant John Kopacz present, along with Attorney Walter Sullivan and Greg Morse, of Morse Engineering. Also present was Planning Board engineer John Chessia. Mr. Fitzgerald advised that he would be present for the discussion but would abstain from any votes.

Mr. Mauch advised those present of the meeting order, in which the Applicant would discuss the plan, Board members would review and ask questions, and then questions from the public would be taken. He also advised that the meeting would likely be continued to allow time for Mr. Chessia to review the plan with Mr. Kirkland.

Mr. Kopacz advised that he will be retaining about 50 acres as a cranberry farm affiliated with Ocean Spray, and just his three upland cranberry bogs will be developed. These upland bogs had been affected by drought and a drop in the price of independent cranberries in recent years. He added that the soil in the upland bogs was porous and required more water to maintain. In developing this upland, he is looking to supply the remaining farm with the needed resources to continue operations.

Mr. Morse gave an overview of the review process to date, starting with an ANRAD approved by the Conservation Commission last year. They originally approached the Board with a proposal for a 33-lot OSRD, but changed this upon further review to a definitive subdivision with 27 one-acre lots. They submitted an ANR to the Board in November to divide the lowland bogs from the upland

bogs being developed, and subsequently deregistered this land with the Land Court. The land has not yet been taken out of 61A agricultural use.

Mr. Morse then discussed the proposed layout, which includes two cul-de-sacs branching off of a through street between Cross Street and Old Oaken Bucket Road. Utility service and drainage would be under the street, and water connection would be from Old Oaken Bucket Road, with hydrants along the road. The streets would have granite Cape Cod berms.

The plan includes 27 buildable lots, with five unbuildable parcels near drainage infrastructure. Mr. Morse estimated the development would create about 6000 square feet of impervious surface. He stated their goal was to redirect as much stormwater as possible to the farm, and the plan calls for an infiltration basin near Old Oaken Bucket, a second basin overtopping into a reservoir for the farm, and catch basins directed into a pump station near Cross Street.

Mr. Morse noted there would be a filing with the Conservation Commission for work in resource area buffer zones, and indicated they would be revising the plan based on comments from Conservation and other town entities.

Mr. Kirkland advised he had reviewed the plans with the Police and Fire Chiefs. They had no issues with the proposed through road, as it would be mostly local traffic, but recommended denying the Applicant's request to waive a traffic analysis.

Mr. Mauch asked how they would tie in the water service from Old Oaken Bucket Road given the Town's five-year road excavation moratorium. Attorney Sullivan indicated that they were in communication with Highway Surveyor Glenn Ferguson, and were willing to post a bond for the work if necessary. Mr. Mauch also confirmed with Mr. Morse that a homeowner's association would be established, and suggested that they consider complementary house designs.

Mr. Campbell asked about ownership of the vernal pool in the non-buildable parcel. Mr. Morse indicated it would remain in the Kopacz Realty Trust, and plantings would be added to the buffer zone. Mr. Campbell also asked how the farm was supplied with water in dry conditions, and Mr. Kopacz advised it was mostly supplied by the pond on-site.

In response to a question from Member Sullivan, Mr. Morse advised they would be seeking waivers as to coverage over drainage pipe, maximum grading for Road B in the plan, and conducting a traffic analysis. Member Sullivan also asked if they would be conducting any hydric flow tests. Mr. Morse advised that Mr. Ferguson did not seem to have concerns about water pressure, but he would ask again about testing.

Mr. Mauch pointed out that the Board had just approved changes to subdivision rules and regulations, and suggested that they work with Mr. Kirkland to see if any changes would affect the project. Additional requests from the Board included adding large trees to the plan, as some may be worth saving, as well as additional details regarding drainage infrastructure. Less concentrated basins and additional drainage/permeability testing were also recommended.

Mr. Mauch then asked Mr. Chessia to summarize his written comments. Mr. Chessia noted that the plan as presented involves work in resource area buffer zones which may not be approved by the Conservation Commission. Although most stormwater would likely end up in the pond and bogs, he noted there were a lot of upgradient areas on the side of the hill whose drainage was not

identified, and agreed that additional details as to drainage infrastructure were needed. Not many waivers had been requested, but he noted that any such waivers would have to be justified as being for the public's benefit.

At this point, Mr. Mauch opened the matter for public comments, requesting that all such comments be addressed through the Chair.

Paul Meehan, Winter Street, asked about Mr. Kopacz' plans for the remaining farm; Mr. Kopacz indicated the remaining farm was still commercially viable and he would continue to operate it.

Justin Ivas, Winter Street and member of the Conservation Commission, asked whether the abutters to Parcel B would be included in subsequent abutter notifications. Mr. Morse indicated that they were in the Notice of Intent submitted to the Conservation Commission, and he anticipated they would continue to be notified going forward.

James Campbell, 347 Winter Street, expressed concern about an increase in the water table and level of the irrigation pond. Mr. Morse advised that their goal was to direct stormwater drainage to the farm pond so it could be used to irrigate the farm; the drainage would be contained within the reservoir and the pond would not be expanded.

Member Sullivan asked in turn whether there would be any monitoring devices to measure the flow into the pond. Mr. Morse advised they would make sure the flow going into the pond was not increased and would modify outflow controls if necessary. Mr. Chessia noted that the calculations they provided propose no increase in rate and this theoretically should not change the pond level. He felt the level of the irrigation pond would be more impacted by the water needs of the bog, and this would be a factor in the design of the system.

Mr. Morse also noted that the reservoir level fluctuates greatly through year, and Mr. Kopacz has the option of releasing water downstream if the reservoir reaches its maximum height. Mr. Kopacz added that the residents by Turners Pond often asked him to release additional water downstream, and he usually cannot due to shortages. The last time he did so was after the winter of 2015.

Sue-Ellen MacDonald, 275 Cross Street, asked about impacts to water pressure in surrounding homes. Mr. Chessia indicated that this was a question for the Norwell Water Department, and Mr. Mauch asked Mr. Kirkland to discuss this with the Water Superintendent.

Bob MacDonald, 275 Cross Street, asked if the Applicant would be willing to move where the proposed road exits onto Cross Street. Mr. Morse indicated that they had already shifted the exit in the plan about 15 feet from its original location.

Jessica Flynn, 296 Cross Street, noted that an existing drainage ditch absorbs a lot of stormwater, and asked whether it would be filled. Mr. Morse advised that this might be a good location for the off-road drainage inlet suggested by Mr. Chessia.

John Bond, 279 Old Oaken Bucket, asked how long it would be before the start of construction. Mr. Kirkland stated that the Applicant has to take the land out of Chapter 61 agricultural use, in addition to obtaining subdivision approval, before construction could start. He also noted there were multiple approval processes that may run up to two years.

Bob Norris, 299 Old Oaken Bucket, advised that he lives across the street from the proposed entrance to the development and was concerned about the traffic impacts of additional cars. Lisa Doherty, 300 Old Oaken Bucket, also expressed concern about increased traffic and requested that a traffic study be done. Mr. Mauch agreed that a traffic study should be done for all surrounding streets.

Ms. Doherty also asked whether drainage from the development would run into the vernal pool behind her house; Mr. Morse advised that the lots near her would drain to the street and not direct any flow into the vernal pool. He also indicated that the property next to her house would remain in the Kopacz Realty Trust and was not buildable.

Mr. Mauch ended the question and answer portion of the hearing at 9:03 PM. He urged all concerned to check upcoming agendas and to continue to attend Planning Board and other board meetings. Mr. Kirkland stressed the need to check agendas, noting that public hearings continued to a specific date, time, and place were not advertised again and advised that residents could sign up to have agendas e-mailed to them when posted by the Town Clerk.

Motion by Mr. Campbell to continue the public hearing to Wednesday March 28 at 8:00 PM. Duly seconded and unanimously voted.

Hitchin Post Lane - Pre-Application Conference - 7 Lot OSRD

Applicant Mark Raimondi present along with engineer Gary James, of James Engineering.

Mr. James noted that they had originally filed a proposal for a five-house definitive subdivision on land located off Circuit Street in July of last year. After their initial conversation with the Board, they went back and redesigned the proposal as an OSRD. He noted that the Town is the primary abutter to the property, and they are proposing to donate 10.6 acres out of the 16-acre property to the Town. This would help link all Town parcels in the area and potentially provide access options into the nearby town forest.

Mr. Raimondi noted that building an OSRD on the property allows them to use compact house lots that in turn free up land to be donated to the Town. Mr. James added that, along with nearby land recently donated to the Conservation Commission, the donations they are proposing will link together a number of relatively isolated parcels of town land.

Mr. Mauch pointed out that under the Town's Zoning Bylaw, the yield for an OSRD cannot exceed that of a conventional subdivision. Mr. James advised they had created a conceptual seven-lot definitive subdivision that complied with the Zoning Bylaw. Mr. Mauch advised there was some question in the Conservation Commission as to whether there were actually seven buildable lots under this plan. Mr. James replied they had not confirmed the delineations with Conservation Commission, as they had always intended to donate the land in question, and Mr. Mauch noted for the record that the number of allowable lots was still subject to confirmation.

Mr. Mauch suggested that Applicant consider complementary designs for the houses and Mr. Raimondi indicated they would do so. Mr. Kirkland noted that the Planning Board was primarily charged with the legal creation of lots at this stage, and not the details of how houses would be designed. Mr. Mauch clarified the comment was made to convey his preference and was not a mandate for a specific design.

Mr. Kirkland indicated that the proposed development was more indicative of an OSRD than Wildcat Hills and better reflected the intent of the OSRD Bylaw. Additionally, the proposed development conforms to the 2005 Master Plan, as the subject area was identified on the Future Land Use Management Map as "Conservation Subdivision / Flexible Development." Finally, he felt the proposed development would have minimal impacts and noted it included a substantial open space component. Mr. Mauch added in closing that they were still awaiting comments from a number of town entities.

Motion by Mr. Campbell that the Planning Board adopt the Findings of Fact documented in the Town Planner's final memorandum dated January 22, 2018 with respect to Hitchin Post Lane, showing support for the pre-application subject to the condition that, prior to submission of the OSRD Special Permit application, the Applicant shall (1) address and incorporate any suggestions from the Planning Board and Town Planner comments in the January 22 memorandum into the plan; and (2) continue to collaborate with the Planning and Conservation Departments in drafting the plan so as to minimize and address nonconformities. Duly seconded and unanimously voted.

PERFORMANCE GUARANTEES / SURETY

Wildcat Hills - Release of Surety

Mr. Kirkland advised that the surety had been officially closed out with the earlier vote on bills.

Forest Ridge - Release of Surety

Mr. Kirkland advised that all remaining funds in surety would be released at the next meeting.

Bay Path Lane Ext. - Release of Lots

Motion by Member Sullivan to release Builders lots 2 and 6, Bay Path Lane Ext., contingent upon receipt of the signed release of subdivision covenant. Duly seconded and unanimously voted.

MISCELLANEOUS

Street Acceptance Policy

Postponed

2018 Conflict of Interest Law Acknowledgment

Mr. Kirkland requested that Board members complete the 2018 Conflict of Interest acknowledgment and return it to Town Clerk Patricia Anderson.

2017 Planning Board Report

Mr. Kirkland advised that he was working on the Planning Department's report for the 2017 Annual Report. Mr. Mauch requested that he sent it to Board members for review once finished.

Committee Liaison Reports

Mr. Campbell briefly noted that the Complete Streets Committee had been present earlier in the meeting to request funds for the Main Street sidewalk. Mr. Kirkland advised that MAPC would be contacting Town Administrator Peter Morin to start the economic development study for Accord and Assinippi Parks.

Amended FY2019 Budget

Mr. Kirkland advised that Town Accountant Donna Mangan had suggested that the administrative assistant position in the Planning and Conservation Depts. be officially divided between Planning and Conservation so that each department has its own dedicated, part-time assistant. Both

assistants would continue to support both departments when they were in the office. He has spoken with Town Administrator Peter Morin, who agreed to the adjustment.

Mr. Kirkland advised that the Salaries/Wages line item currently totaled \$89,482 and that this change would result in a total increase of \$101. He also moved his Notary fee to the Dues and Meetings line item at Ms. Mangan's suggestion. He requested that the Board vote on and then sign the amended budget so he can forward it to Mr. Morin.

Motion by Mr. Fitzgerald to approve the revised requested Increased Services for FY2019. Duly seconded and unanimously voted.

At this point, the revised budget was circulated to the Board members present for their signature.

Next Meeting

February 14, 2018, Town Hall Room 112, 7 PM

Adjournment

There being no further business, a motion was made by Mr. Campbell to adjourn at 10:12 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 February 28, 2018.



Scott J. Fitzgerald, Clerk

Copy filed with: Office of the Town Clerk
 Planning File

Post to Planning Board Webpage