



**TOWN OF NORWELL**  
Norwell Town Offices, Room 112  
345 Main Street  
Norwell, Massachusetts 02061  
(781) 659-8021

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2024 FEB 22 AM 10:04  
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*Office of Planning Board &  
Town Planner*

## **Norwell Planning Board Meeting Minutes January 17, 2024**

The meeting was called to order at 7:00 PM with Chair Brian Greenberg presiding and Board Members Mark Cleveland, Brendan Sullivan, and Michael Tobin present. Member Tripp Woodland was unable to attend. Also present was Director of Planning and Community Development Ilana Quirk and Assistant Town Administrator Kim Roy. The meeting was held in the Planning Office, Town Hall Room 112.

### **CALL TO ORDER/AGENDA**

*Motion by Chair Greenberg to approve the agenda as submitted. Seconded by Member Tobin and unanimously voted.*

### **CITIZEN COMMENTARY**

None

### **SUBDIVISION, SITE PLANS, SPECIAL PERMITS & OTHER PROJECTS**

#### **233 River Street**

Waterways Application\*

Notice of DEP Hearing

Notice was received at the Planning Office; there was no further comment as the project was previously reviewed.

#### **Cowings Cove**

Surety Release Request\*

Applicant: Summer Woods HOA

Chair Greenberg recused himself from the vote and left the table and participated only as a resident only; Vice Chair Sullivan acted as Chair during the discussion and vote. All remaining members had filed a disclosure notice with the Town Clerk, to indicate they can participate fairly.

Planner Quirk noted that subdivision surety has been in place since the early 2000s. The original developer stopped working on the project and the final surety release was obtained. The Home Ownes Association (HOA) now is looking to have the surety released so the project can be deemed completed and so the HOA can seek street acceptance from the Town.

Highway Commissioner Glenn Ferguson and Peer Review Engineer John Chessia have reviewed the existing conditions at the project. Commissioner Ferguson has stated that he finds the road construction to be acceptable as completed (there was an earlier question regarding the materials used); however, he wants the curbs to be backfilled with topsoil, the catch basins regularly cleaned out, the brush along the culvert cut back, and the cage taken off the inlet.

Engineer Chessia noted that the binder pavement course for the road had been left uncovered for many years and the gradation of the layers deviated from state standards, but the pavement had met temperature and compaction standards at the time of installation; and he deferred to Commissioner Ferguson's judgment on the overall condition of the pavement. Also, Commissioner Ferguson noted that while he has no issue on the construction of this road, he likely would have had an issue if there were more lots, creating a road that receives more traffic.

Engineer Chessia provided two surety estimates as to surety reduction, one if the Board requires replacing the top course of pavement and one if it does not, with the top course costing about \$75,000s.

Engineer Chessia also noted that the approved site plan proposed the planting of 26 trees; but only 17 were planted. However, many original trees had survived construction and he recommended that the Board decide whether it wanted more trees. He also observed that a blocked cross culvert needed to be cleaned out.

Member Sullivan asked if the HOA planned to plant more trees/ Pam Sullivan, one of five directors of the HOA, indicated the HOA is willing to discuss adding more trees\but suggested the road looks fine without more trees. Speaking as a resident, Mr. Greenberg concurred, noting that the road is lined with many mature trees. HOA Director Chris Lucchetti, 3 Cowings Cove, believes the additional trees actually were purchased but were not planted because they would have died under the canopy of the existing trees. The HOA is willing to address Commissioner Ferguson's comments and work on the drainage system, but since the topcoat for the road had recently been replaced and was still in good condition, he agreed with Commissioner Ferguson that there is no need to doing it again.

Member Cleveland noted that Commissioner Ferguson had stressed he did not want to assume responsibility for the drainage system, and asked about the HOA's plans for maintenance. Speaking as a resident, Mr. Greenberg indicated the HOA has a contract with a mowing company and is following the provisions for maintenance in the Operations and Maintenance plan. He noted that the as-built plans for the project are nearly completed, and the HOA was willing to put up an additional \$4-8K in escrow. Other residents in attendance indicated that they would contribute toward the \$8200 in surety funds. That money will be provided in cash, separate from the funding held from the developer. The HOA has decided not to try to involve the developer in this any further.

After further discussion, Member Sullivan opined that additional trees were not needed, and he saw no benefit to repaving since it was recently done. Member Tobin agreed that the street looked good as is.

*Motion by Member Sullivan to find the existing topcoat acceptable as installed and adopt Consulting Engineer Chessia's surety reduction Estimate B, leaving the need for surety of \$8,200. Seconded by Member Tobin and approved 3-0-0, Chair Greenberg having recused himself.*

*Motion by Member Sullivan to reduce the surety to \$8200 with no contingency. Seconded by Member Tobin and approved 3-0-0, Chair Greenberg having recused himself.*

### **APPROVAL OF MINUTES**

The minutes of the December 2, December 20, and January 3 meetings were distributed and reviewed.

*Motion by Chair Greenberg to approve the Minutes of the December 2, 2023 meeting as amended. Seconded by Member Cleveland and unanimously voted.*

*Motion by Chair Greenberg to approve the Minutes of the December 20, 2023 meeting as submitted. Seconded by Member Cleveland and unanimously voted.*

*Motion by Chair Greenberg to approve the Minutes of the January 3, 2024 meeting as submitted. Seconded by Member Cleveland and unanimously voted.*

### **REVIEW CURRENT MAIL**

The following mail was received at the Planning Office:  
HINGHAM, PB, DECISION, GRANTED, 8 ELIZABETH LANE, RECONSTRUCT SFD  
HINGHAM, PB, SPR, RECONSTRUCT SFD, 57 WARD STREET  
HINGHAM, PB, SPR, SP, CONSTRUCT SFD, 0 & 30 ARNOLD ROAD

### **APPROVAL OF PENDING BILLS**

The following invoices were presented for payment:

<b>Vendor</b>	<b>Description</b>	<b>Amount</b>
CHRISTOPHER SULLIVAN,	PB MINUTES, JANUARY 3, 2024*	\$ 150.00
DATALYST, LLC. *		\$ 104.99

*Motion by Chair Greenberg to approve the invoices as submitted. Seconded by Member Tobin and unanimously voted.*

### **2024 ANNUAL TOWN MEETING ARTICLES**

Review, discussion, and potential votes on language for the following potential zoning articles:\*

#### **FEMA Floodplain Updates**

Planner Quirk requested a revote on the article, as FEMA/ has required the addition of a table.

*Motion by Chair Greenberg to approve the revised article and to refer the amended article to Select Board. Seconded by Member Tobin and unanimously voted.*

#### **MBTA Adjacent Community**

Planner Quirk sent the article to HLC for review. The proposed district, which has to be at least 50 acres, has been trimmed down to 50.2 developable acres. The consultant (Utile) has assured

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that the district meets the requirements: (1) 50 acres total, (2) 750 potential multi-family units and (3) district-wide development potential of 15 units per acre as required.

### **Senior Living ZBL**

Attorney Jeff Tocchio present for applicant. Planner Quirk reviewed her latest updates to the draft, which included the addition of skilled nursing as an optional use, as this would provide higher paying jobs on the site and not having skilled nursing on staff increases the Town's cost; all agreed to the change.

Planner Quirk expressed concern about the article passing if the Town Meeting perceived the overlay district, which currently includes much of Washington Street, was too large and suggested trimming it back to the St. Helens and adjacent Norwell Housing Authority parcels; all agreed. Including the NHA land would allow the potential developer to negotiate with the Town to use NHA land as access. A provision allowing for a bonus density to a future developer was retained, as was the height language in the latest draft.

All present discussed a provision that would require PB approval for an increase in building size; Planner Quirk suggested that the threshold for this review be any increase greater than 20 sq ft. Attorney Tocchio suggested that the threshold be 200 sq ft, as this is what is in the VROD bylaw and it would prevent reviews for small bump-outs, but indicated they could live with what the Board decided. Planner Quirk noted that any building expansion would increase the impervious coverage on this sensitive site and suggested the 20 sq ft threshold would allay abutter concerns and help the article to pass; the Board concurred.

*Motion by Chair Greenberg to approve the article as drafted and presented at the meeting and to refer it to the Select Board for referral back to the Planning Board for a public hearing. Seconded by Member Sullivan and unanimously voted.*

### **Demolition Delay**

Planner Quirk and Assistant Town Administrator Kim Roy have been working on an updated demolition delay bylaw based on a draft provided by Historical Commission Chair Laurie Detwiler. The draft included a specific definition of the structures that would be subject to the bylaw, which would eliminate the delay for making that determination under the current bylaw which has been cited by Building Commissioner Tom Barry as a big issue. Planner Quirk has added a provision to allow Historic the option to designate a member to rule out additional properties from consideration and added a provision to create a list of properties that are subject to the bylaw that would be voted on by town meeting, similar to the Scenic Road Bylaw. The HC proposed language to give the HC authority over all building permits; however, Town Counsel has ruled this out as conflicting with state law.

Planner Quirk has offered in the past to assist HC with creating an historic district, which would give the HC much of the control that it is asking for. She has also forwarded the updated demolition article to Ms. Detwiler for consideration by the HC but has not received a response. Chair Greenberg will follow up, and the article will be discussed further at the next meeting.

### **Cell Tower Overlay**

The article would amend the existing wireless overlay district to include Water District land on Grove Street, to allow for the potential of a new cell tower on Grove Street. This would address existing service problems and bring in revenue to the Town.

*Motion by Chair Greenberg that the Planning Board sponsor the article as presented, with the properties identified by the Water District to be included. Seconded by Member Tobin and unanimously voted.*

*Motion by Chair Greenberg to authorize Planner Quirk to send the article, as amended with the appropriate assessor parcels, to the Select Board for referral to the Planning Board for a public hearing. Seconded by Member Cleveland and unanimously voted.*

*Motion by Chair Greenberg to authorize Planner Quirk to also send the previous 130 ft article to the Select Board and grant her the authority to choose which one of the two to send based on the preference of the Water Superintendent. Seconded by Member Tobin and unanimously voted.*

### **MISCELLANEOUS**

#### **Planning Department Fee Schedule**

The Board approved the updated fee schedule drafted and presented by Planner Quirk.

*Motion by Chair Greenberg to adopt the fee schedule as updated on January 10, 2024. Seconded by Member Cleveland and unanimously voted.*

#### **Planning Department Budget**

Planner Quirk will work with Chair Greenberg to finalize the budget.

#### **John Chessia Contract**

An updated contract from consulting engineer John Chessia includes a \$5 an hour increase for general services and \$10-\$15 increase for public hearing attendance at night or on weekends or holidays; these fees are paid by applicants for projects subject to his review and not by the Planning Department. The Board briefly discussed whether applicants could request another engineer for peer review.

*Motion by Chair Greenberg to accept the updated consulting contract with Chessia Consulting. Seconded by Member Tobin and unanimously voted.*

### **NEXT MEETING**

January 31 – Town Hall, Room 112, 7 pm

### **ADJOURNMENT**

*There being no further business, a motion was made by Chair Greenberg to adjourn. Seconded by Member Tobin and unanimously voted.*

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 2-21-, 2024.

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Post to Planning Board Webpage

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