



PLANNING BOARD
TOWN OF NORWELL

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2017 JUN 15 AM 9:42

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Norwell Planning Board Meeting Minutes
4/26/2017

The meeting was called to order at 6:35 P.M. with Chair Jamie Crystal-Lowry presiding. Also present were Vice Chair Donald Mauch Sr. and Board Members Scott Fitzgerald and Patrick Campbell. Unable to attend was Kenneth Cadman. The meeting was held in the Planning Office.

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

Minutes

The minutes of the March 8 meeting were distributed and reviewed.

Motion by Mr. Mauch to approve the Minutes of the 3/8/17 meeting as submitted. Duly seconded and unanimously voted.

Bills

The PB briefly reviewed a budget spreadsheet and escrow account statements.

The following invoices were presented for approval:

WB Mason	Inkjet cartridges	\$ 53.93
Chessia	Wildcat Lot 26	\$ 300.00
Chessia	Wildcat Lot 27	\$ 300.00

Motion by Mr. Mauch to pay the WB Mason invoice as submitted. Duly seconded and unanimously voted.

Mr. Mauch advised that Jack Spurr is sending in the funds to cover the Wildcat invoices.

Motion by Mr. Campbell to pay the Chessia invoices as submitted. Duly seconded and unanimously voted.

Public Hearing: proposal to Amend Zoning Bylaw Article IV Special Regulations §4850,
5) b. OSRD Definitive Subdivision

Sally Turner, Chair of the Bylaw Review Committee, was present for the discussion.

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

Mr. Campbell advised the PB that he had researched the OSRD bylaws for Hingham, Duxbury, and Marshfield. Hingham allows density bonuses, while Duxbury and Marshfield do not. The bylaws in these towns steer developers more toward creating connected green corridors and asked developers to consider how a trail network could be interconnected with adjacent parcels. He also noted that back buffers were of lesser significance.

Mr. Mauch advised that he had also read Hingham's OSRD bylaw and felt the PB should work with the Bylaw Review Committee and the new planner to develop something similar. He felt that this article would stabilize the situation in the meantime.

Chair Crystal-Lowry set forth two tasks for the PB, the first being to take short-term action to prevent large developments coming into the town as OSRDs and the second being to work with a new planner to further refine the bylaws so they better reflect the town's original intent. She had heard from many residents who were unhappy at the type of developments being produced under the current bylaw and felt this article, while not a direct response to any specific development, was a step towards addressing these concerns.

Mr. Fitzgerald, pointing out the planner vacancy, noted that further refinement of the bylaw is likely to take considerable time and expressed concern about the town losing developments as a result of the amendment. Mr. Campbell felt the greater concern was the developments the town would have to permit under the existing bylaw.

Mr. Mauch felt that, with other towns' bylaws and his project review grid to work with, the PB is in a position to quickly work with a new planner to come up with further refinements. Ms. Turner added that the Bylaw Review Committee is ready to work with the PB on additional changes.

Motion by Mr. Mauch to recommend the proposal to Amend Zoning Bylaw Article IV Special Regulations §4850, 5)b to Town Meeting. Duly seconded and unanimously voted.

Wildcat OSRD – Road Acceptance Affidavit for PB Execution

Mr. Mauch advised the PB that Superintendent John McKinnis had signed the Wildcat road acceptance affidavit for the Water Department but that Highway Commissioner Glenn Ferguson still had not signed, citing filtration runoff and asphalt deterioration due to a lack of roadside berms.

Mr. Mauch added that, although there were sufficient funds in surety if the developers were to walk away from the project, he would not recommend that the PB sign until Commissioner Ferguson signs off for the Highway Department. Chair Crystal-Lowry additionally expressed concern that the homeowners in the development may not be aware of the maintenance responsibilities set forth in their HOA covenant.

Mr. Mauch advised he had had discussions with Board of Selectmen Chair Jason Brown, Town Counsel Bob Galvin, and Town Administrator Peter Morin about the possibility of an informational meeting to clarify to homeowners the ownership of various maintenance tasks in the development. Mr. Fitzgerald stated that homeowners should have been advised of this by the attorney handling their home purchase, and did not think the residents would have any standing to sue the town should a maintenance issue arise.

Attorney Galvin arrived at 7:40 PM, and agreed that it was the responsibility of the homeowners' attorneys to explain the development's maintenance covenants, and that the homeowners would not have grounds to sue the town. He noted that these residents were living in an OSRD rather than a traditional subdivision and, in the event of a major maintenance issue such as a septic failure, the onus would be on the HOA to levy an assessment to cover any shortfall in funds.

Chair Crystal-Lowry expressed concern that, in the absence of some education, residents were likely to inundate the PB and other town bodies if a maintenance issue were to arise, asking why they weren't getting the same town services as other developments.

Members of the Board of Selectmen arrived at 8 PM, and Chair Jason Brown asked Attorney Galvin whether the town would be exposing itself to legal liability by meeting with the homeowners. Attorney Galvin expressed concern that, in holding the meeting, the town would be inserting itself into what he characterized as a matter between the homeowners and developer.

Discussion ensued as to what would happen if the PB were to sign the road acceptance affidavit before Highways, or if all town entities did not sign off before Town Meeting. Attorney Galvin advised the PB to focus strictly on the roads and ensure the roadway was as represented in the affidavit. Mr. Mauch would like the PB to review road conditions with its consulting engineer, John Chessia, before signing.

Wildcat OSRD – As-built Plan Discussion

Mr. Mauch briefly advised the PB that there were no new developments to report.

Public Hearing: proposal to Amend the General Bylaw regarding Scenic Roads as adopted at the Town Meeting of May 12, 2008, Article 25

Mr. Fitzgerald read the Notice of Public Hearing. Town Administrator Morin, Town Counsel Galvin, and members of the Board of Selectmen were present for the discussion.

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

Mr. Mauch stated that the proposal would provide at least annual written notice of the Scenic Roads bylaw to those owning property on a designated Scenic Road, noting that the PB had seen a number of violations by residents who were unaware of the bylaw. Chair Crystal-Lowry added that the objective was to promote awareness, as many residents of these roads didn't know their obligations and it seemed unfair to fine them. The amendment also stops the running fee up to the filing of an after-the-fact application.

Mr. Campbell asked why people weren't notified of the Scenic Road bylaw when pulling a building permit. Selectman Allen agreed that the Building Department should be advising residents of the bylaw when they come in for permits.

The PB briefly discussed means of notification, including a possible message on tax or water bills or a separate mailing. Mr. Campbell added that someone should be ready to speak to the cost of a separate mailing at Town Meeting.

Motion by Mr. Campbell to recommend the proposal to amend the General Bylaw regarding Scenic Roads to Town Meeting. Duly seconded and unanimously voted.

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

Public Hearing: proposal to amend the Zoning Bylaw by adding Section §2230 (and the General Bylaw by a new bylaw adding Section 19, Article XV) addressing Marijuana Not Medically Prescribed.

Mr. Fitzgerald read the Notice of Public Hearing. Town Administrator Peter Morin and members of the Board of Selectmen were present for the discussion.

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

Selectman Ellen Allen advised the PB that this article was a result of the marijuana legalization ballot question that passed last year. As 55% of Norwell voters opposed the question, the Board thinks residents would oppose retail recreational marijuana establishments in the town.

As it is unclear from the wording of the ballot question how the law would work, the Board adopted a multi-pronged approach to the issue, including a town election ballot question, requiring a majority vote, to ban recreational marijuana establishments in the town and amendments to the General and Zoning bylaws to ban recreational marijuana establishments of all kinds.

Ms. Allen noted that towns are not allowed to ban medical marijuana facilities, and it is unclear whether they will ultimately be able to do so for recreational marijuana.

Motion by Mr. Campbell to recommend the proposal to Amend the Zoning Bylaw by adding Section §2230, addressing Marijuana Not Medically Prescribed, to Town Meeting. Duly seconded and unanimously voted.

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

Public Hearing: proposal to amend the Zoning Bylaw by adding a new Section under Article I, (Section §1740)

Mr. Fitzgerald read the Notice of Public Hearing. Town Administrator Peter Morin and members of the Board of Selectmen were present for the discussion.

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

Ms. Allen characterized the article, which would create a temporary moratorium on the sale and distribution of recreational marijuana, as a stopgap measure to give town entities a chance to draft the proper zoning ordinances should they be needed.

Motion by Mr. Campbell to recommend the proposal to amend the Zoning Bylaw by adding a new Section under Article I (Section §1740) to Town Meeting. Duly seconded and unanimously voted.

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

Other Business

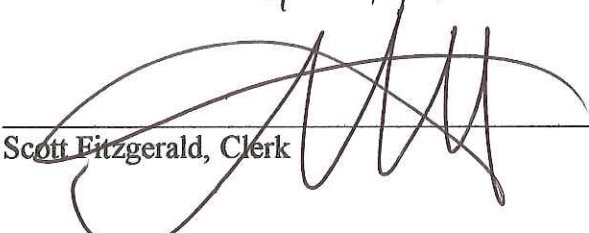
Chair Crystal-Lowry advised the PB that the James Library will be updating their parking to bring it into compliance with ADA. She will put this on the agenda after Town Meeting.

Prior to adjourning, the PB briefly discussed the presentation of its articles at Town Meeting and the May 1 Moderators' meeting.

Adjournment

There being no further business, after a motion was duly made by Mr. Campbell and seconded, it was unanimously voted to adjourn the meeting at 8:51 P.M.

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 6/14/17.



Scott Fitzgerald, Clerk

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