



**PLANNING BOARD  
TOWN OF NORWELL**

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**Norwell Planning Board Meeting Minutes  
February 8, 2017**

The meeting was called to Order at 7:03 PM with Chairperson Jamie Crystal-Lowry presiding. Also present were Vice-Chair Donald Mauch Sr., Board Members Scott Fitzgerald, Patrick Campbell and Kenneth Cadman. The meeting was held in the Planning office, RM 112 at 345 Main St, Town Hall, Norwell MA.

**Agenda**

After a motion was duly made by Member Fitzgerald, and seconded, it was unanimously voted to approve and accept the agenda as submitted.

**Minutes**

The minutes of December 14, 2016, were approved as amended. Motion by S. Fitzgerald, 2nd by P. Campbell, vote in favor by S. Fitzgerald, P. Campbell and D. Mauch. Abstaining, J. Crystal-Lowry and K. Cadman.

The minutes of January 11, 2017 and January 25, 2017 were postponed until the meeting of February 22, 2017.

**Bills**

The following invoices were presented for approval:

Chessia Consulting – project review meeting w/ D. Mauch -	\$230.00
Chessia Consulting – Peer review for 427 Main St, site visit, plan review-	\$2,194.00
Chessia Consulting – Peer review for Wildcat Subdivision -	\$3615.60

These were approved as submitted, Motion by K. Cadman, 2nd by S. Fitzgerald, vote unanimously.

The following invoices were presented for approval and tabled until February 22, 2017 pending signature by the Pathway Committee on February 15, 2017.

Horsley Whitten – submitted by Pathway for Phase III design	\$1,226.77
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Vice Chair Mauch expressed concern over the Planning Board's ("PB") continuing approval of invoices for which there was not a sufficient accounting, i.e., original appropriation with a

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running balance. He asked how it was that the PB could be approving such invoices without knowing if there were available funds left in an appropriation and requested going forward, such information prior to invoice approvals. It was the PB's consensus that this would be addressed prospectively.

### **Correspondence**

The Board reviewed a letter from Town Administrator, Peter Morin, regarding the selection of a Town Planner. TA Morin expressed his desire to reopen the Town Planner search process after deeming neither of the two finalist candidates as recommended by the Pre-Screening Committee, qualified. Discussion ensued and included consideration of a temporary Assistant Planner or shared planner. Chair, J. Crystal-Lowry will consult with Peter Morin.

### **John Chessia: Project Status Update**

Tabled to the meeting of February 22, 2017 when J. Chessia will be in attendance.

### **Wildcat OSRD: As-Built Plans and Road Acceptance Plans**

Brad McKenzie of McKenzie Engineering on behalf of Clients Jack Spurr and Jay and Paul Gallagher of Gallagher Construction presented an As-Built Plan for Wildcat OSRD Subdivision previously submitted to the Planning Board.

Present were: Brad McKenzie, Jack Spurr, Jay Gallagher, and Paul Gallagher.

J. Spurr noted that the roads had been paved and completed. He was present to request a release of the bond and to move the request for road acceptance forward. He stated that he had given the Board of Selectmen office a package of plans and letters to distribute to Town Departments. He asked the Board for their cooperation in processing the request for the road acceptance. The process requires review and approval by the Planning Board and other Town Departments to move forward.

J. Chessia had submitted a review letter to the PB noting that many components of the project were not viewable due to snow cover. A meeting between J. Chessia and the project proponents had been held earlier to review the letter and discuss the points.

B. McKenzie reviewed a copy of the Street Acceptance Plan and letter noting that the Board of Selectmen needed to distribute the maps and the Planning Board need to review and report back before they could consider placing an Article on the Town Meeting Warrant. The process for this is located in Appendix 6 of the Regulations? He noted that he was in the process of creating the plan set needed to address J. Chessia's comments. He reviewed the history of the site noting that each plan had received its own site plan review with drainage requirements and maximum impervious levels. Interim drainage management plans were provided as well.

A number of questions and concerns were aired by various PB members regarding the Wildcat OSRD As-Built. Among them, included, "Are the individual lots in compliance with the plans approved? It has been noted throughout the project that several of the lots were not built according to the approved plans. K. Cadman noted that several of the driveways were wider than

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permitted and located differently. He noted that the approval had been based on a set driveway plan but then they built what they wanted.

Where is the post review (engineer stamped and certified) for stormwater and drainage components?

B. McKenzie noted that there was no requirement to provide detailed as-builts or final surveys. D. Mauch confirmed that for these plans, the features approved are simply dropped onto the as-built plans with no survey.

J. Crystal-Lowry noted that J. Chessia had questioned that some exceeded the % impervious allowed. How do you verify and provide evidence that each lot meets the maximum impervious%? B. McKenzie repeated that there was no requirement to survey the final project. They had met the requirements on the plans approved. The Hoax documents were binding and required each homeowner to comply.

The Board discussed means of ensuring this was done through a project check sheet??

P. Campbell - Does the BI certify impervious coverage when issuing a Certificate of Occupancy?

J. Crystal-Lowry, he inspects the building and structures, but who inspects the entire lot coverage and stormwater components? B. McKenzie noted that it was typically never done. He referenced a discussion with J. Chessia regarding the Barrel Lane Project. J. Spurr noted that S. Ivass had been hired to monitor compliance for the developer.

The Date of Acceptance for the As-Built was questioned and discussed.

J. Spurr noted that the covenants required restrictions in the deeds and HoA contracts.

P. Campbell discussed the rain-gardens and drywells and asked if was required in the deed to keep them in good repair. Who is responsible for monitoring?

*Action items and issues to carry forward.*

D. Mauch – When should we accept the As-Builts, the current plan does not show or certify that the site has been built as permitted?

Who is responsible for supplying the final engineering checks and certifications?

J. Spurr noted that the bond was still out on the project.

A revised set of plans is to be submitted next week for the Road Acceptance and As-Builts.

The Board had previously asked for impervious calculations existing vs. approved. This still needs to be submitted.

John Chessia is requested to attend the next meeting on February 22, 2017.

*Road Acceptance Discussion*

P. Campbell – Why is the HoA granting an easement rather than giving the town the land?

J. Spurr noted the HoA owns the sewer and pipes, the Town would own the road surface and be responsible for the road and service (plowing repair) of the roads.

D. Mauch questioned who would be responsible for fixing the road if the HoA decided to replace pipes?

*Action items and issues to carry forward*

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Acceptance of the plans?

The ownership and responsibilities need to be clarified.

Who owns the water lines?

Language in the permit indemnifying the town?

Legal concerns – Review and report from Attorney Galvin is needed.

The Discussion is continued to February 22, 2017. It was specifically noted that this is a discussion and not a hearing.

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#### **Winter, Cross & Old Oaken Bucket Rd. (Kopacz): Pre-OSRD Filing**

A site plan for Winter, Cross and Old Oaken Bucket Rd had been submitted previously by Morse Engineering to the Planning Board. The filing was determined to be incomplete at the time. Present were: Greg Morse of Morse Engineering and Walter Sullivan for Client John Kopacz.

D. Mauch clarified immediately that this was not a preliminary conference; the plans and submittal were incomplete. The project was on the agenda to ensure it would be addressed in the absence of a Town Planner. He read the list of documents required for a preliminary conference. J. Crystal-Lowry agreed with the statements and noted that only two plans had been submitted.

D. Mauch, J. Crystal-Lowry and G. Morse reviewed the plan details and the need for separate plans and the requirements listed in the regulations. G. Morse said he had believed that everything had been submitted and that this was the preliminary hearing. He noted that he had sent 12 plans. N. Hemingway clarified that 1 plan had been received by the office. N. Hemingway noted that Meredith Schmid had a lengthy and clear conversation with someone in the office earlier that day stating the agenda item was a meeting and not the preliminary conference.

Member Campbell pointed out that the plans lacked sufficient key labels and that the information on the plans needed to be clearly indexed. Soil types need to be keyed and identified? The wetland lines, buffers and soil type lines are confusing and misleading, please clarify. D. Mauch questioned the use of the bogs as open space. J. Kopacz said that the bogs were still being farmed. G. Morse noted that the pathways between were being considered as part of the Open Space Requirement. The Planning Board does not allow work in the 100-foot buffer. P. Campbell – revised clear plans must be submitted. J. Crystal-Lowry said the PB would consider whether or not to accept the preliminary when revised plans that meet the requirements are submitted. The document submitted is not complete.

D. Mauch noted that a Preliminary Conference was not a Public Hearing, it was a meeting with other Boards and Commissions to give guidance before expensive engineering and design is started. A Continuation was discussed. N. Hemingway noted that the Town Boards and Commissions had 30 days to review and comment. Continued to March 22, 2017.

#### **103 Washington Street (Hajjar): Letter to ZBA re: submission status**

Attorney W. Sullivan was present to discuss the status with the Planning Board. The project is before the ZBA and has been tabled.



J. Crystal-Lowry explained that the Board had looked at the plan. The lot shown on the plan does not exist so there is nothing to comment on. A letter to that point had been sent to the Zoning Board of Appeals. The Boards comment is that there is no comment. W, Sullivan asked if an ANR would resolve the problem. J. Crystal-Lowry stated that it would change the existing conditions for the rest of the lot. This issue would need to be evaluated from a legal perspective if submitted.

### **370 Grove Street (Riccardi): Potential (2-lot) Subdivision Discussion**

A plan was reviewed to evaluate completeness and acceptance.

The following deficiencies were noted in determining that the submittal is incomplete.  
No engineer's stamp. Presented as a subdivision but does not meet the minimum requirements.  
A letter will be sent to the applicant along with a copy of the requirements for an application.

### **370 Washington Street (Agostino): Special Permit & Site Plan Review**

This is a Special Permit Site Plan Review for the Zoning Board of Appeals.

The location of the project was clarified. No request had been received from the Zoning Board of Appeals. D. Mauch will review the regulations regarding Special Permits and report back to the Board on February 22.

Has an application been submitted to ZBA?  
Is a fee for peer review submitted to ZBA? Who pays for the review?  
What is the process? Posting? Advertising? Etc.

### **Committee Liaison Position Discussion and Updates**

CPC - Pathways had been cancelled – update next meeting  
Complete Streets – the priority plan has been submitted to the State. If accepted it makes the Town eligible to apply for grants.

### **Other Business**

The budget – level funded. With changes in staff and the additional need to bring in J. Chessia, the Board may need to request additional funds before Town Meeting. D. Mauch noted that his obligations had changed and he would be willing and able to resume his role facilitating the administrative functions in the absence of a Planner, resume his role on the Planner Pre-Screening Committee, and liaison on the Bylaw Review Committee.

After a Motion was duly made by Member Cadman and seconded, it was unanimously voted to adjourn the meeting at 9:02 P.M.

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 3/22/17.

  
Scott Fitzgerald, Clerk

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