



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

*Office of Planning Board &  
Town Planner*

**Norwell Planning Board Meeting Minutes  
3/27/2019**

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TOWN OF NORWELL  
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The meeting was called to order at 7:00 P.M. with Chair Brendan Sullivan presiding. Also present were Board Members Donald Mauch Sr., Scott Fitzgerald, and Patrick Campbell; and Town Planner Kenneth Kirkland. Unable to attend was Vice Chair Jamie Crystal-Lowry. The meeting was opened in the Planning Office, and then moved to Meeting Room 2 in the Town Hall at 7:30 P.M.

**CALL TO ORDER/AGENDA**

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

**APPROVAL OF MINUTES**

The minutes of the March 13, 2019 meeting were distributed and reviewed.

*Motion by Mr. Mauch to approve the Minutes of the March 13, 2019 meeting as presented. Duly seconded and unanimously voted.*

**BILLS**

None.

**SUBDIVISIONS AND LAND DEVELOPMENTS**

**959 Main Street / Parker Street – 4-Lot Residential Land Development Project**

***Public Informational***

Approval Not Required (ANR) Plan

Main Street / Parker Street

Assessors Map 16C, Block 51, Lots 30 & 78

Applicant Paul Jevne present. Chair Sullivan recused from voting on this matter and left before the discussion started.

The Board reviewed an ANR to split the existing parcel into four lots, with one unbuildable parcel. Mr. Kirkland advised that all lots conformed to frontage and lot width requirements. Much of the

land toward Parker Street is denoted as NHESP habitat, which will require additional review if the parcel is developed.

Mr. Kirkland indicated that the plan met the standard for required findings of fact, and is consistent with the Master Plan, Zoning Bylaw, and the Subdivision and Land Development Rules and Regulations. He recommended approval subject to the condition that proof of filing with the Registry of Deeds be submitted to the Planning Office.

*Motion by Mr. Mauch to accept the application for the ANR. Duly seconded and approved by a 3-0 margin, Chair Sullivan having recused.*

*Motion by Mr. Mauch to approve the ANR as submitted. Duly seconded and approved by a 3-0 margin, Chair Sullivan having recused.*

Member Mauch inquired as to the sponsor for the ALOD citizen's petition, to which Town Planner Kirkland responded he did not know. Member Mauch stated this information was typically the top signature on the Petition, and requested a copy of the Petition from Town Clerk. Town Planner Kirkland briefly left the meeting to retrieve the information. Upon his return, he stated that Town Clerk was not currently available, though she was known to be in the building. Town Planner Kirkland stated he would locate the information and provide it to the Board.

*Around 7:30, the Planning Board moved from Room 112 to Meeting Room 2 (Gymnasium) in order to conduct the Public Hearings regarding proposed Zoning Bylaw Amendments.*

**Zoning Bylaw Recodification & Revisions – Proposed Zoning Bylaw Amendment**  
**Public Hearing**  
Proposed Zoning Bylaw Amendment

Mr. Fitzgerald read the Notice of Public Hearing. About two dozen residents present, including Chair Sally Turner and Vice Chair Lois Barbour of the Bylaw Review Committee (BLRC).

The BLRC had worked with the consulting firm General Code to update legal references, correct language and spelling errors, and add an electronic numeration system to the Town Bylaws. The first article is to accept the addition of the numeration system, and the second is to accept corrections to the spelling and language errors found during the review process. Neither article makes substantive changes to any Bylaw.

Mr. Campbell asked whether a change in Section 201.9 from "back line" to "rear line" constituted a substantive change. Ms. Turner felt the change was likely made for consistency in terms, and reiterated that neither article proposed substantive changes to any Bylaw.

Mr. Mauch noted that he had served as liaison to the BLRC, and commended Ms. Turner and Barbour for their thoroughness throughout the process; all Board members added their thanks prior to voting.

*Motion by Mr. Mauch that the PB accept the warrant article as written and forward a positive recommendation to Town Meeting. Duly seconded and unanimously voted.*

**Assisted Living Overlay District (ALOD) – Proposed Zoning Bylaw Amendment**

***Public Hearing***  
**Citizens Petition**

Mr. Fitzgerald read the Notice of Public Hearing. Attorney Walter Sullivan present for petitioner Steve Regan; also present was Thomas Jones, of Artis Senior Living and about two dozen residents.

Mr. Jones commented that the article had been written with the hope of locating an assisted living facility in the Town, and that Artis currently had two such facilities in Massachusetts. At this point, Mr. Mauch noted that the proposal for the facility itself had nothing to do with the actual article, and felt its discussion was out of order at this hearing. Chair Sullivan agreed that the hearing did not concern a specific project.

Attorney Sullivan advised that the Petitioner felt there was a need in Town for an assisted living facility, but this use was not specifically allowed in the Town's business districts currently. He and Town Planner Kirkland had looked at amending zoning to allow it by special permit, but Town Counsel Bob Galvin believed that doing so would have unintended consequences; he began drafting the article shortly thereafter.

Attorney Sullivan indicated that any facility would require at least a three-acre parcel and be subject to setback requirements and a rigorous review process including site plan review and special permit by the PB. If the article passes, the Petitioner will be appearing before the PB with a specific proposal. In response to a query from Mr. Mauch, Attorney Sullivan clarified that he had been retained by both Petitioner Steve Regan and Artis.

Mr. Campbell commented that he would like to find out more about the proposal, and felt that anyone asking the PB to vote on a matter should not assume that there was going to be a vote at the first meeting. He then noted that the proposed overlay did not just apply to the business districts, but also 1500 feet to the rear on either side of the street. Attorney Sullivan acknowledged, but characterized an assisted living facility as a passive use with low traffic and no more than 40-80 units.

Mr. Campbell also asked for a map showing the footprint of the proposed overlay district, and would like to know how many residential parcels would fall into the district. Attorney Sullivan did not have this information, but indicated they would be willing to provide it for future reference.

Petitioner Regan commented that he lived adjacent to the proposed district. His mother passed away last year, and felt she would have benefited from an assisted living facility in Town. He stated that he had conducted extensive community outreach to residents in and near the proposed overlay district, and pledged to continue this up to Town Meeting. Glenn Bernstein, 237 High St and Ramona Caruso, 30 Grove St, commented in reply that they had not been approached or sent anything about the proposal. Mr. Campbell would like Petitioner to demonstrate that all property owners in the proposed district had been notified.

James Barr, 56 High Street, asked whether the Business C District was zoned for this use. Mr. Campbell noted that there was a nursing care facility on Cordwainer Drive and believed this was a permanent use in the Business C District, but would have to review the zoning language to confirm.

Dave Doyle, 45 High Street, asked what kind of weight the petition held and where abutters stood with respect to proposals that impacted them. Mr. Mauch noted that citizens petitions can be filed by any resident; if certified, they must be added to the Town Meeting Warrant and must be voted upon. Chair Sullivan added that this did not obligate any resident to sign or support any particular petition.

Kristyn Therrien, 152 High Street, expressed concern about how the facility proposed by Mr. Regan would impact traffic in the area. Chair Sullivan acknowledged but reiterated that this hearing did not concern any specific project.

Mr. Campbell added that the PB and the Board of Selectmen had recently met regarding the possible redevelopment of the St. Helen's church site and noted that this proposal, if adopted, would impact those discussions.

Ms. Barbour commented that the BLRC had not been apprised of this article, and they would like to meet with the Petitioner; Attorney Sullivan indicated they would be willing to accommodate this request.

*Motion by Mr. Campbell to continue the public hearing to April 10 at 7:30 PM. Duly seconded and unanimously voted.*

#### **Sign Bylaw Revision – Proposed Zoning Bylaw Amendment Public Hearing**

Mr. Fitzgerald read the Notice of Public Hearing.

Town Planner Kirkland advised that he and Building Inspector Thomas Barry had worked together to develop amendments to the Zoning Bylaw regarding signage in response to complaints from business owners in Town. They held two public working sessions with the Chamber of Commerce and members of the Board of Selectmen, and had incorporated elements of the signage bylaws for the Towns of Hanover and Ipswich.

The revisions include new sign allowances for Business District A (Norwell Center) that Mr. Kirkland characterized as more appropriate to a Town Center, an allowance for one freestanding directional sign at curb cuts in Districts B and C, as well as a stronger permitting process for non-political temporary signage.

Mr. Mauch noted that the Board had only presented with the memorandum and bylaw text this evening, with no chance to review it, and felt the matter should be continued. Chair Sullivan acknowledged Mr. Mauch's concerns and agreed a continuance was in order. Mr. Campbell suggested that Mr. Kirkland prepare slides showing examples of what signage would be allowed and not allowed under the proposed amendments to assist with resident understanding.

Kristyn Therrien, 152 High Street, commented that the A frame signs on Route 53 were a nuisance, and she would like signage to be consistent throughout all three business zones.

Ramona Caruso, 30 Grove Street, asked why the Board of Selectmen had been involved and whether it was out of their purview. Mr. Mauch agreed with Ms. Caruso that the matter was beyond the scope of the BOS, as the Planning Board was the body statutorily obligated to do the

planning in the Town, and commented that there was a need to respect the separation of powers between the various Town entities.

In response to a query from Mr. Campbell, Ms. Barbour indicated that the Bylaw Review Committee had not seen or reviewed the proposal. The BLRC had been approached previously to address signage issues, and there were ongoing questions as to whether signage regulations should be part of the Zoning or General Bylaws, and how enforcement should be handled.

*Motion by Mr. Mauch to continue the public hearing to April 10 at 7:35 PM. Duly seconded and unanimously voted.*

### **MISCELLANEOUS**

Mr. Campbell commented that the Advisory Board was under the impression that the PB was going to vote on the Overlay District proposal at this meeting; he felt this was an unreasonable expectation. Mr. Mauch concurred and noted the PB had just received the staff memos yesterday, whereas previously they had had ample time to review proposed bylaw changes before the public hearing.

Mr. Kirkland took personal responsibility for the delay in issuance of the memos and stated he had been mistaken as to the procedure. He had not received certain information and feedback until this week, and the only records he was able to locate had suggested that bylaw discussions took place the same night the PB received the proposals.

Mauch added that he had no issue with the BLRC's revision/recodification amendments, but did not feel he could cast an informed vote on the overlay district and signage bylaw proposals because he had not had time to review them. Board consensus was that these two proposals should be continued.

Mr. Campbell added that he would like to have seen additional information in his packet, including the specific zoning language changes proposed and commentary from Town Counsel Bob Galvin. Town Planner Kirkland noted that the specific language changes proposed in the BLRC article were several pages long, and his intent was to synthesize these large amounts of information into a readable format.

Mr. Mauch commented that controversial changes are sometimes introduced last minute for tactical reasons, and made a strong recommendation that going forward, the PB be provided as much information as possible in advance of meetings. For citizen petitions, he would like to receive a copy of the petition, and know the sponsor and signees, as this would help the Board evaluate whether the impetus for a proposal is to accommodate a specific project as opposed to the Town interest. Mr. Campbell concurred, adding that the Board needed to know this information before going into a public hearing so it could do an objective analysis.

Mr. Kirkland acknowledged all concerns and again took responsibility for any confusion, but noted that there had been no clear record of what had been done or provided previously.

### **Committee Liaison Reports**

Mr. Campbell advised that the Complete Streets Committee had appeared before the Advisory Board regarding funding for Phase III of the Main Street Sidewalk. They will be applying for a

\$400K grant from MassDOT; if received, they plan to spend the grant funding first and return any excess Town funds to free cash. If they do not receive the grant, they will use the funding from the Town to rough grade, install curbing, and build a stonewall in front of 465 Main in preparation for future work. Mr. Mauch asked whether any leftover Town funds could be used to replenish the Pedestrian Enhancement Fund; Mr. Campbell will find out if this is possible.

In response to a question from Mr. Campbell, Town Planner Kirkland indicated that public hearings for the Old Oaken Bucket Estates, Schooner Estates, and Hitchin' Post Lane OSRD subdivisions were scheduled for the April 10 meeting in addition to the continued bylaw amendment hearings.

Mr. Mauch commented that he would like to see the Old Oaken Bucket and Schooner hearings closed out before his term on the PB concludes in May. Town Planner Kirkland noted that continuation requests on the part of the Applicants had to some extent contributed to delays. He added that these hearings could be closed with a simple majority vote after Mauch's term ends, but felt it would be feasible for both to be closed before then based on feedback he had received from Planning Board Engineer John Chessia. Mr. Campbell recommended that Town Planner Kirkland advise these Applicants that Mr. Mauch's term ends in May, and the Board would like to close the hearings before then.

### **NEXT MEETING**

April 10, 2019– Town Hall, Room 112, 7 pm

### **ADJOURNMENT**

*There being no further business, motion was made by Mr. Mauch to adjourn at 8:39 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 April 10, 2019



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Scott Fitzgerald, Clerk

Copy filed with:      *Office of Town Clerk  
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