



Office of Planning Board

TOWN OF NORWELL – COUNTY OF PLYMOUTH

Planning Department
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**Norwell Planning Board Meeting Minutes
8/14/2019**

The meeting was called to order at 7:08 P.M. with Vice-Chair Jamie Crystal-Lowry presiding. Also present were Town Planner Kenneth Kirkland and Board Members Brian Greenberg and Patrick Campbell. Member Scott Fitzgerald and Chair Brendan Sullivan were unable to attend, but Chair Sullivan phoned in for part of the Schooner Estates hearing. The meeting was held in the Planning Dept. Office.

CALL TO ORDER/AGENDA

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

APPROVAL OF MINUTES

Review of the July 10, 2019 meeting minutes was tabled until the next meeting, as Members Fitzgerald and Crystal-Lowry were not present at that meeting.

BILLS

The following invoices were presented for approval:

Christopher Sullivan	Meeting Minutes (7/10)	\$150.00
McKenzie Engineering Group	Henry's Lane Surety Work	\$3,592.46
Chessia Consulting Services	Henry's Lane	\$318.50
	Norwell Estates	\$190.50
Henry's Lane HOA Trust	Surety Work	\$8,600.00
Gatehouse Media	Advertising	\$30.00
Bond Printing	Business Cards	\$135.00
W.B. Mason	Office Supplies	\$15.96
		\$27.98
		\$19.43
Am. Society of Public Admin.	Membership Dues	\$60.00

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

SUBDIVISIONS AND LAND DEVELOPMENTS

Schooner Estates – 12-Lot Residential Subdivision

Continued Public Hearing

Definitive Subdivision Plan

Stetson Road

Assessor's Map 29A, Block 76, Lots 4, 6, 8-11, 17, 18, 20, & 43.

Town Clerk Date Stamp

Mark McSharry present for Stetson Road LLC; Al Loomis present for McKenzie Engineering Group. Also present was Planning Board Engineer John Chessia. Chair Brendan Sullivan phoned in for the first fifteen (15) minutes of the meeting. Also present were four (4) area residents.

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

Mr. Loomis advised the Board that they believed they had addressed Mr. Chessia's remaining concerns, and they are seeking approval. Mr. Kirkland added that Town Counsel Galvin has reviewed the documentation and indicated that all was essentially in order. Any remaining revisions were minor and could be addressed prior to endorsement.

All parties discussed Applicant's original request for a waiver that a sidewalk be built on both sides of the street. Mr. Campbell noted that a similar waiver had been granted for Curtis Farm Road / Norwell Estates, and doing so would provide an additional buffer to the adjoining Steen property. Therefore, he proposed that the Board consider granting the waiver in exchange for a \$27K contribution to the Pedestrian Improvement Fund, based on the cost savings to Applicant, estimated by Mr. Chessia, of not having to construct that 1,090.71 linear foot section of sidewalk.

Mr. Chessia explained that he used the MassDOT bid prices for gravel, binder, and materials, to come up with a figure of \$25 per linear foot. Applicant McSharry indicated he was willing to make a contribution but advised that he had recently received bids of \$14 and \$12 per linear foot for similar projects; he indicated he would provide these quotes to Mr. Chessia, and would like to get some extra quotes in order to establish the baseline cost and contribution amount. Mr. Chessia added that his figures did not include testing, which would be an additional expense required by the Board.

In response to a query from Vice-Chair Crystal-Lowry, McSharry indicated they would make the contribution in one (1) installment, when they issue bonds for the road. Mr. Loomis did not want to have to submit revised Plans reflecting the waived sidewalk prior to approval, but Mr. Kirkland indicated that this change could be included in the revised Plan to be submitted for endorsement.

Mr. Greenberg indicated he was uncomfortable with the donation proposal philosophically; he agreed that a single sidewalk made sense for this development, but he would be more comfortable simply granting the waiver if it made sense. Ms. Crystal-Lowry responded that she felt the donation was reasonable because it takes the Town's interest into consideration, and the Board in general should impose the Regulations in effect unless there was a compelling reason not to; in this case the reason was the contribution, which resulted in a positive tradeoff for the Town, i.e., in pedestrian improvements in other areas. She also felt that the Board should not entertain waivers unless they could obtain a benefit to the Town in exchange; Mr. Campbell concurred.

Greg Steen, 127 Stetson, stated that he was under the impression there had been an agreement that Applicant would provide them a landscape design plan specifying the number, species, sizes, and layout of plantings on their property. They had not received anything and wanted something concrete that they could refer back to during construction.

Mr. Loomis countered that they had met with the Steens at least three (3) times on their property, and the proposed screening trees, including the specific tree number, are already shown on the Plan. They have also created a berm to raise the tree level between the Steen property and the abutting subdivision lot. The landscaper they consulted (Barcellos & Kane) suggested white pine, but they are willing to consider other evergreens. He felt that Mr. McSharry has already gone the extra mile to try to resolve their concerns.

Vice-Chair Crystal-Lowry confirmed with Town Planner Kirkland that Applicant was required to do the mitigation plantings and landscaping identified on the Plan. Mr. Steen felt the Plan did not provide specifics as to number and size of plants, and he requested a landscape design plan that would provide those specifics. Ms. Crystal-Lowry noted that Applicant had already gone above and beyond what they were legally required to do in terms of offering mitigation, and that the Steens would have a cause of action if the proposed landscaping was not installed according to the Plan.

At this point, all parties reviewed the Plan. Mr. Chessia suggested that additional planting specifics be added as a condition of endorsement. Vice-Chair Crystal-Lowry felt these specifics should include the minimum number of trees, as well as tree height and bulb size when planted; Mr. Loomis indicated they would have no issues providing this information. Member Greenberg asked about having Applicant hire a landscape architect instead of making the Pedestrian Improvement Fund donation, but Members Crystal-Lowry and Campbell felt that the two issues were and should remain separate.

Mr. Campbell commented that he had advocated for granting the sidewalk waiver so as to provide room for additional screen plantings between the subdivision entrance and the Steen property, but he also felt that the Board should not place itself in the middle of private negotiations.

All parties also discussed the landscaping of the subdivision entrance adjoining the Steen property. Mr. Loomis commented that they had not specified plantings in this area because some of the existing trees may survive construction, and they were trying to keep that side as natural as possible; they propose to plant rhododendrons to replace any lost trees, and Ms. Crystal-Lowry asked that they specify a minimum number and height for them.

Vice-Chair Crystal-Lowry indicated that she was hesitant to require Applicant to provide a full landscape design plan, as she felt it exceeded the scope of the Board's authority, and was uncomfortable imposing it as a one-off requirement. Mr. Steen countered that in his professional experience, landscape design plans were instrumental to avoiding disputes after the fact.

Mr. McSharry indicated he would have his landscaper, Barcellos & Kane, draw up a Plan with more specifics. He had no objection to making reasonable additions to the planting plan and had

been under the impression that the matter had already been settled, as the Steens had not been present at the last several meetings to raise the issue.

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Vice-Chair Crystal-Lowry noted that Member Greenberg would be unable to vote on this matter, as advised by Town Counsel, as he joined the Board after this public hearing had begun, and the hearing would have to be continued due to lack of a voting quorum. She asked that both parties work together in the interim to come up with a resolution, but felt that the Board should commit to voting on the project at the next meeting, as Applicant has been willing to work with the Steens and other abutters, and has made accommodations above and beyond what is required by the Regulations. Jerry Griffiths, abutter to the proposed Drainage Parcel A, affirmed that he had had no issues in his dealings with Mr. McSharry.

Mr. Kirkland requested that Applicant provide a signed letter from Barcellos & Kane, on letterhead, setting forth their assessment and recommendations; this would go into the file and could be added as a condition of endorsement. Any issues between Applicant McSharry and the Steens are ultimately beyond the Board's regulatory authority, and are a private matter not relevant to the Board's deliberations at the next meeting.

Vice-Chair Crystal-Lowry added that the Board would be willing to waive any applicable filing deadlines for this letter and any accompanying documentation. Applicant McSharry assented to a continuation.

Motion by Mr. Campbell to continue the public hearing to August 28, 2019 at 7:05 PM. Duly seconded and unanimously voted.

Plan of Land – 101-111 Stetson Road

Public Informational

Approval Not Required (ANR) Plan

Stetson Road

Assessor's Map 29A, Block 76, Lots 8-10.

Mr. Kirkland advised that this ANR was a land swap to create parcels to be incorporated into the Schooner Estates subdivision, as well as provide needed bank documentation. He also indicated that the plan was timely filed and stamped, met the standard for required findings of fact, and is consistent with the Master Plan, Zoning Bylaw, and the Subdivision and Land Development Rules & Regulations. He recommended endorsement subject to the condition that proof of filing with the Registry of Deeds be submitted to the Planning Dept.

Motion by Mr. Campbell to adopt the findings of fact set forth in Town Planner's Staff Memorandum and endorse the ANR for 101/111 Stetson Road. Duly seconded and unanimously voted.

Plan of Land – 101-169 Stetson Road

Public Informational

Approval Not Required (ANR) Plan

Stetson Road

Assessor's Map 29A, Block 76, Lots 4, 9-10.

Mr. Kirkland advised that this ANR was a land swap to create parcels to be incorporated into the Schooner Estates subdivision, as well as provide needed bank documentation. He also indicated that the plan was timely filed and stamped, met the standard for required findings of fact, and is consistent with the Master Plan, Zoning Bylaw, and the Subdivision and Land Development Rules & Regulations. He recommended endorsement subject to the condition that proof of filing with the Registry of Deeds be submitted to the Planning Dept.

Motion by Mr. Campbell to adopt the findings of fact set forth in Town Planner's Staff Memorandum and endorse the ANR for 101/169 Stetson Road. Duly seconded and unanimously voted.

Henry's Lane – 8-Lot Residential Subdivision

Public Informational

As-Built Plans

Henry's Lane

Assessor's Map 2B, Block 43, Lots 39, 46-53, & 59-60

Mr. Kirkland advised that Planning Board Engineer Chessia had reviewed and approved the As-Built Plans for the subdivision, and recommended their approval.

Motion by Mr. Campbell to accept the As-Built Plans for Henry's Lane. Duly seconded and unanimously voted.

MISCELLANEOUS

Vice-Chair Crystal-Lowry signed the authorization for Town Planner Kirkland to sign documents that had been completed by the other Board members at the previous meeting. Mr. Kirkland also circulated a year-end reconciliation form from Town Accountant for Board member signatures.

Vice-Chair Crystal-Lowry advised that she will be absent from the September 11 meeting and may have to leave early or call in on August 28.

The Board briefly discussed the Town's street acceptance policy prior to adjournment.

TOWN PLANNER'S REPORT

Town Planner Kirkland advised that the Applicant for the proposed Hitchin Post Lane OSRD development off Circuit Street will be submitting a new plan for a 5-lot OSRD.

NEXT MEETING

August 28, 2019 – Town Hall, Room 112, 7 pm

ADJOURNMENT

There being no further business, motion was made by Mr. Greenberg to adjourn at 8:34 PM. Duly seconded and unanimously voted.

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on August 28, 2019.

Town Clerk Date Stamp



Brian Greenberg, Alternate Clerk

*Copy filed with: Office of Town Clerk
 Planning File*

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