



**PLANNING BOARD  
TOWN OF NORWELL**

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Norwell, Massachusetts 02061  
(781) 659-8021

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

The meeting was called to order at 7:05 P.M. with Chair, Jamie Crystal-Lowry presiding. Also present were Vice Chair, Donald Mauch, Sr. , and Board Members Scott Fitzgerald, Patrick Campbell and Kenneth Cadman. Also present was Nancy Hemingway. The meeting was held in the Planning Office.

**Agenda**

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

**Minutes**

The minutes of January 11, 2017 were tabled pending inclusion of all invoices.

After a motion was duly made by Member P. Campbell and seconded Member by K. Cadman, it was unanimously voted to accept the Minutes of the January 25th meeting.

The minutes of February 8, 2017 and February 22, 2017 were postponed. Member D. Mauch to finalize the drafts for PB review.

N. Hemingway will see if Chris Sullivan will be available to transcribe minutes for the Planning Board moving forward per approval from Town Administrator Peter Morin.

**Bills**

The following invoices were presented for approval:

<u>Payroll</u>	Invoice (on file)	\$ 262.58
Was signed by Member D. Mauch as authorized.		

<u>HiWay Safety Systems</u>	Invoice (on file)	\$ 1,000.00
This invoice related to the Pathway Committee, improvement to Forrest Street area, was held pending submittal to the Board of a spreadsheet from Accounting showing the account activity		

<u>Horsley Witten Group</u>	Invoice (on file)	\$ 2,720.05
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This invoice related to Pathway Committee Phase II work, was held pending submittal to the Board of a spreadsheet from Accounting showing the account activity. Member P. Campbell will request a detailed account balance from Justin Lamoreaux of Horsley Witten Group.

Bond Printing

Invoice (on file)

\$ 143.72

After a motion was duly made by P. Campbell and seconded by S. Fitzgerald, it was unanimously voted to approve payment of the bill. A voucher will be prepared for the next meeting.

Chairperson J. Crystal-Lowry requested Account status sheets showing the finance status of each Pathway project invoice moving forward.

**Wildcat OSRD Street Acceptance: Vote on the Planning Boards recommendation to the Board of Selectmen.**

Jack Spurr, Jay Gallagher and Paul Gallagher were present to meet with the Board.

The Board declined to discuss the project. After a brief discussion regarding the untimely submittal of the documents earlier that day, the review, discussion and vote was postponed to the March 22, 2017 meeting. The Board noted to the attendees that the documents had been submitted at 2:55 the day of the meeting. Policies and procedures are in place to allow adequate time for review by the Town Consultant, John Chessia.

**Meeting with the Bylaw Review Committee regarding potential Town Meeting Warrant Articles.**

Present for the Bylaw Review Committee were Sally Turner, Lois Barbour, Robert Woodill, John Litchfield, and Donald Mauch.

Ms. Turner led the discussion regarding 2 zoning amendments to the OSRD bylaw which would clarify and better define the intent and purpose of the OSRD bylaw. The intent of the bylaw is to create more open space, not allow more substantially more lot development than conventional subdivision would allow. Chairperson J. Crystal-Lowry noted that the current bylaw also did not make it clear that the Open Space must be accessible to the public.

Ms. Turner summarized the discussion with the Board of Selectmen, who seemed to be in favor of the articles. The Board of Selectmen will add placeholders for the proposed articles. Ms. Turner asked for support for the articles from the Planning Board and reviewed the proposal. Please refer to the submitted language as attached to these minutes.

General discussion between the Committee and the Board included;

- Language to identify and ask for access to open space parcels.
- Submittal of a lotting plan, how yield was determined and what yield could be obtained using conventional subdivision during the Pre-Application phase of review.



- The current process allows the Board to accept a preliminary filing but then reject the larger definitive plan.
- The requirements in the Pre-Application Phase needed to give sufficient information so that the Board would have the data necessary to make more informed decisions during the Pre-Application and Preliminary phases of review.

Chairperson J. Crystal-Lowry asked the Committee to draft and revise the proposed articles based on the discussion so they could be reviewed and voted on at the next meeting. Ms. Turner and Ms. Barbour will revise and send final drafts to the Planning Board for review and discussion at the next meeting on March 22, 2017. The deadline to submit articles for the warrant is April 4, 2017.

The Board discussed the legal requirements for posting the legal ads; 15 days are required. The public hearing will be posted for the April 5, meeting and the placeholder in the warrant will suffice pending completion of the hearing process.

Ms Barbour discussed an additional concern from the Board of Selectmen regarding signage. The enforcement of the bylaw requires clarification. The Building Inspector should have to right to remove non-compliant signs from commercial property. The Committee and the Board discussed the proposed concept as well as whether the sign bylaw should be moved to the general bylaw from the zoning bylaw.

#### **Ratification of Planning Board's 1/11/2017 Action**

Member D. Mauch summarized the events of the January 11, 2017 meeting and noted that this action is a housekeeping ratification of the following actions. Chairperson J. Crystal Lowry and Member K. Cadman abstained from the actions as they were not present at the January 11, hearing.

- Motion and Vote to Open 1/11/17 PB Hearing
  - o This action was deliberated and it determined it was not needed as the meeting was already opened.
- Motion and Vote to Open OSRD Hearing on 427 Main Street
  - o Motion – S. Fitzgerald, second – P. Campbell, vote – Members S. Fitzgerald, P. Campbell and Vice Chair D. Mauch in favor.
- Motion and Vote to Continue to 1/25/17 (7:30PM) OSRD Hearing on 427 Main Street
  - o Motion – S. Fitzgerald, second – P. Campbell, vote – Members S. Fitzgerald, P. Campbell and Vice Chair D. Mauch in favor.
- Motion and Vote to accept London Hill ANR as submitted to Ross Engineering
  - o Motion – P. Campbell, second – S. Fitzgerald, vote – Members S. Fitzgerald, P. Campbell and Vice Chair D. Mauch in favor.
- Motion and Vote to endorse the plan entitled “Plan of Land for 16 London Hill Lane in Norwell, MA (Scale 1” = 40’), dated December 30, 2016 by Ross Engineering Company,

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Inc. as "Approval under the Subdivision Control Law Not Required," in accordance with Mass. Gen. L. c. 41 §81P

- Motion – Member P. Campbell, second – Member S. Fitzgerald, vote – Members S. Fitzgerald, P. Campbell and Vice Chair D. Mauch in favor.
- Motion and Vote to close the ratification of the 1/11/17 PB Meeting
  - Motion – Member P. Campbell, second – Member S. Fitzgerald, vote – Members S. Fitzgerald, P. Campbell and Vice Chair D. Mauch in favor.

**ANR (Hajjar): 12 Grove St., 103 and 111-113 Washington St.**

Present were Attorney W. Sullivan and Residents Ramona Caruso, and Marie Molla

Member D. Mauch read into the record a memo from Town Counsel, Galvin, regarding the acceptance of the ANR for the noted lots as follows:

*"I have reviewed the draft ANR Plan dated 2/8/17.*

*Assuming the correct fees and application process was completed, it is my view that the plan must be endorsed by the Planning Board since it is my view that each of the two lots has frontage and area and there appears to be actual access to each of the lots.*

*It is my view that the proposed plan does not constitute a subdivision.*

*I am certain that should the plan be recorded then there will be zoning issues; however, that is beyond the purview of the Board to consider.*

*Bob Galvin*

*Robert W. Galvin, Esq.  
Galvin & Galvin, PC "*

The Board and residents held a lengthy discussion, much of which was not within the purview of the Planning Board. The bulk of the conversation involved zoning issues. The Board listened and expressed empathy. Chairperson J. Crystal Lowry stated that the residents should put their comments in writing and submit them to the Zoning Board of Appeals when the ZBA process is triggered. She noted that an ANR was simply a legal starting point.

The Board explained that the endorsement of an ANR plan did not grant any unauthorized land use rights or permits. They noted that an ANR can not be acted on by the landowners without triggering a Zoning Review. Member D. Mauch noted that a landowner can split their property if the geometry works, however they are creating multiple zoning issues. An ANR does not grant the landowner the right to start any development.

After a motion was duly made by Member P. Campbell to move the action and endorse the ANR and seconded by Member S. Fitzgerald, it was unanimously voted to endorse the plan identified as "Plan of Land Washington Street and Grove Street, Norwell Mass" prepared by Merrill Engineers and Land Surveyors dated February 8, 2017 as "Approval under the Subdivision

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Control Law not required" pursuant to Mass. Gen. L. c. 81P and that endorsement of the plan shall not be construed as indicating expressly or impliedly that the parcels or structures conform to zoning requirements. Member S. Fitzgerald signed the Mylar.

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

Chairperson J. Crystal Lowry discussed the CPC process. There is a meeting scheduled for March 9<sup>th</sup>. The four applications include Gaffield Park, Girls Softball fields, Jacobs Farm and the 10% allocation for Affordable Housing. There are additional outstanding questions regarding the Wompatuck Park Project from Pathway Committee. Additional information is needed.

Member P. Campbell discussed the Complete Streets Committee. The Committee has completed the Priority Plan and has the Commonwealth approval. The Committee will be meeting Friday to apply for funding for Main Street. He discussed the MassDOT design standard for sidewalks and preference for granite curbing to better protect pedestrians. Cape Cod berms are less cost effective as they are often damaged by plows and need to be replaced frequently. Member D. Mauch stated that the Main Street sidewalk was narrow and that granite curbs would not totally prevent a vehicle from hitting pedestrians.

#### **Adjournment**

There being no further business, after a motion was duly made by Member P. Campbell and seconded by Member S. Fitzgerald, it was unanimously voted to adjourn the meeting at 8:42 P.M.

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 4/26/17.

  
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Scott Fitzgerald, Clerk

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