

PLANNING BOARD
TOWN OF NORWELL

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Norwell Planning Board Meeting Minutes
April 12, 2017

The meeting was called to order at 6:37 P.M. with Vice Chair, Donald Mauch, Sr., presiding. Also present were Board Members Scott Fitzgerald, Patrick Campbell, and Kenneth Cadman, and Recording Secretary Christopher Sullivan. Chair Jamie Crystal-Lowry arrived at 7:25 PM. The meeting was held in the Planning Office.

Mr. Campbell opened the meeting.

Minutes

The minutes for the March 8 meeting and the March 22 Executive and Open sessions were distributed. Approval of the March 8 minutes was postponed to review markups.

Motion by Mr. Campbell to approve the March 22 Executive Session minutes as presented. Duly seconded and unanimously voted.

Motion by Mr. Campbell to approve the March 22 Open Session minutes as presented. Duly seconded and unanimously voted.

Bills

The following invoices were presented for approval:

Chessia – 370 Washington	Invoice #1730	\$319.80
Chessia – 141 Longwater	Invoice #1729	\$837.50
Chessia – 427 Main OSRD	Invoice #1727	\$900.00
Chessia – Wildcat OSRD	Invoice #1723	\$996.00
Chessia – 775 Wildcat Lot 24	Invoice #1731	\$415.00
Chessia –	Invoice #1733	\$360.00
Chessia – 775 Wildcat Lot 26, 27		\$300.00
Stantec – Street prioritization	Invoice #1150270	\$773.26
C. Sullivan – Minutes 3/22	Invoice #201701NPB	\$150.00

A second Stantec invoice for \$773.26 was tabled as a probable duplicate.

Motion by Mr. Fitzgerald to approve the invoices presented. Duly seconded and unanimously voted.

141 Longwater Drive – Site Plan Review & Special Permit

Attorney Howard Kelman appeared on behalf of applicant Foxrock Realty. Also present was Rick Alfonso of Tetra Tech. Mr. Alfonso presented his plan for the enclosure of a 2400 square feet pylon area on the ground floor of an existing building, with the addition of eight parking spaces.

Consulting engineer John Chessia characterized the project as fairly straightforward and noted that parking on the site was adequate. He recommended that the applicant identify the drawings in the packet, update the engineer's certification, and add the as-built documents.

Motion by Mr. Fitzgerald to recommend the site plan to the Zoning Board as submitted. Duly seconded and unanimously voted.

58 Mount Blue

Mr. Mauch reported that the stone wall the property owner removed was actually located on his own property; the owner will be sending a request for withdrawal to the PB.

Scenic Road Bylaw

Mr. Mauch briefly discussed his conversation with Town Administrator Peter Morin and Town Counsel Bob Galvin as to whether Highway Director Glenn Ferguson had the authority to exempt himself from the Scenic Road bylaw and remove trees or branches. Mr. Mauch was advised that Mr. Ferguson does have this authority if he feels there is a public danger. Mr. Fitzgerald asked whether he was obligated to replace removed trees with trees of a certain caliber; Mr. Mauch replied that such was the case only if the removal was for non-emergency work.

Wildcat OSRD – Road Acceptance Affidavit for PB Execution

After a brief outline of the current road acceptance process, Mr. Mauch suggested that the PB not sign the road acceptance affidavits at this meeting, citing additional concerns from Water Superintendent John McKinnis and Highway Commissioner Ferguson. Mr. Ferguson cited the lack of a berm and potential erosion and liability issues, and felt the cost of the remaining work was greater than the applicant indicated at the previous PB meeting.

Mr. Fitzgerald stated he agreed with Mr. Chessia's assessment as to the basic road condition and noted that addressing the water concerns may be part of the subdivision plan. It was noted that Chessia's assessment was limited to the road and drainage infrastructure.

Mr. Cadman asked Mr. Chessia about the cost to address the remaining issues, who indicated that they were low enough to allow for a release of funds if the applicant were to request such. After further discussion, the matter was tabled to April 26.

Other Business

Mr. Mauch advised the PB he had received correspondence from a Circuit Street resident complaining about ongoing issues at the Curtis Farm Road work site, where a failure of erosion controls during an April 1 rainstorm caused a silt washout into a downstream pond. Mr. Chessia visited the site the day of the storm and discussed his observations, and Mr. Mauch noted the remediation work he observed in a subsequent visit.

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Mr. Mauch also advised the PB that the Advisory Board had recommended approval of the Wildcat street acceptance article as well as both OSRD bylaw articles.

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Prior to the next agenda item, Chairperson Crystal-Lowry expressed on behalf of the PB her acknowledgment, appreciation, and thanks for Vice Chair Mauch's continuing role facilitating Planning Department activities in the absence of a Town Planner.

427 Main Street OSRD – (Continued) Public Hearing

Motion by Mr. Mauch to open the continued public hearing. Duly seconded and approved by a 4-0 vote, Mr. Campbell having recused himself from voting.

Engineer Brad McKenzie, McKenzie Engineers, was present for the applicant. Mr. Campbell recused himself from the discussion.

Mr. McKenzie presented an updated site plan and discussed the changes made in response to comments from the PB and consulting engineer John Chessia. These included the consolidation of drainage areas so they are not in open space and the addition of a stormwater detention facility to which drainage will be directed and a rain garden near the entrance to the development.

In response to abutter concerns, the water easement has also been relocated further into the site so as to maintain a vegetative buffer between the sites and the water main. Other changes included shifting the roadway to the northeast, farther away from the Bailey property, and reconfiguring the open space component to provide a separate parcel for a common septic facility. Additionally, a sidewalk was added to the right side of the road, from the cul-de-sac to the entrance to the development.

Mr. McKenzie noted that they would be seeking a waiver to subdivision regulations requiring a sidewalk on each side of the road, as well as to the 550 foot limitation for a dead-end roadway, as there will be only one entrance into the development. He also provided a conceptual landscape plan for the PB to review, which calls for a 9-lot subdivision with a 1000 foot road.

Mr. Mauch indicated that he had some reservations as to the number of lots, and whether the project as designed follows the intent of the Town's OSRD bylaw. He urged the PB to look closely at the primary and secondary purposes of the project and then weigh these against the bylaw.

Mr. Mauch then asked where the public access was to the development's open space. Mr. McKenzie reported that Mr. Campanelli was open to the idea of allowing public access but wanted input from the homeowners abutting the pathway.

Ms. Crystal-Lowry noted that there was no clear definition as to who could use the open space in OSRDs, as the language only specifies that the land be undisturbed. She added that the property bisects adjoining town land and trails and would prefer that there be a connection, but she did not see this as a requirement.

Discussion ensued regarding the definition of public space in OSRDs and how that space can be utilized. Mr. Fitzgerald noted that, without nearby parking, there is effectively no public access to these spaces.

Ms. Crystal-Lowry asked the PB whether the OSRD would be viable even if public access to the open space were improved. Mr. Mauch would like the PB to review the project using his pre-evaluation grid, and think about whether even an amended project would meet the criteria set forth in the bylaws.

At this point, Ms. Crystal-Lowry indicated that the matter would be continued to May 10, and asked the applicant to come back with clarification regarding public access.

Public Hearing: proposal to Amend Zoning Bylaw Article IV Special Regulations §4200, Flood Plain, Watershed and Wetlands Protection District

Mr. Fitzgerald read the Notice of Public Hearing.

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

Mr. Campbell pointed out a typo in the date of notice given in the Notice of Public Hearing. This proposed amendment is a change in wording to acknowledge FEMA's latest mandates.

Motion by Mr. Mauch to recommend the amendment to Zoning Bylaw Article IV Special Regulations §4200 to Town Meeting. Duly seconded and unanimously voted.

Motion by Mr. Cadman to close the public meeting. Duly seconded and unanimously voted.

Public Hearing: proposal to Amend Zoning Bylaw Article IV Special Regulations §3300, Signs

Mr. Fitzgerald read the Notice of Public Hearing. Bylaw Review Committee Chair Sally Turner, Town Administrator Peter Morin, and Jason Brown, Chair of the Board of Selectmen, were present.

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

Town Administrator Morin said that the article, rewritten in consultation with Town Counsel Galvin, clarifies the authority of the Building Inspector to issue orders for the repair and removal of signs, file written complaints in Court to seek enforcement, and then recover costs through the Court. The first step in the enforcement process would still be the issuance of a written notice.

Jason Brown, Chair of the Board of Selectmen, advised that the Board had fielded a number of complaints from residents regarding signage and, as a result, told Building Inspector Thomas Barry that they wanted the sign bylaw enforced. Mr. Barry had expressed concern that he lacked adequate enforcement authority under the existing bylaw due to ambiguity, and the intent of the amendment was to remove this ambiguity.

Mr. Campbell asked whether the revision would grant the Building Inspector authority to go on private property. Mr. Brown stated that it did not, with Mr. Mauch adding that Mr. Galvin had removed that part of the language.

Ms. Turner expressed concern that the language in the article might conflict with the already existing signage language in the bylaws. Mr. Morin noted that the article language referred back to the existing bylaw language and does not expand on it.

Motion by Mr. Campbell to recommend the amendment to Article IV, Special Regulations §3300, as submitted. Duly seconded and unanimously voted.

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

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

Mr. Fitzgerald read the Notice of Public Hearing. Brad McKenzie and Sally Turner were present.

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

Mr. Mauch advised that this amendment had been approved by the Bylaw Review Committee and PB, and is recommended by the Advisory Board and supported by the Selectmen.

Ms. Turner indicated that, in limiting the number of house lots in an OSRD to the maximum allowable under a traditional subdivision, this amendment clarifies the original intent of the OSRD bylaw. She added that many residents were surprised at the eventual size of the Wildcat OSRD and that there was never the intent to create a density bonus for developers.

Mr. McKenzie questioned whether developers would pursue an OSRD if there were no density bonus. He pointed out that OSRDs offer certain protections to the town that do not exist with traditional subdivisions, and felt the amendment would make OSRDs economically non-viable.

Ms. Crystal-Lowry replied that the objective of the original OSRD bylaw was the preservation of open space, and the amendment was written to prevent developers from pursuing large developments as OSRDs as a way to avoid the restrictions of a traditional subdivision. Mr. Mauch added that the original intent of the OSRD bylaw was to cluster houses so as to preserve open space, and saw this amendment as a first step to address concerns regarding the way OSRDs have been built to date.

Mr. McKenzie questioned why developers would develop clustered lots if the return wasn't higher, and contended that open space protection was beneficial to the town and that some form of density bonus was inherent to the nature of OSRDs as the idea behind the clustering is to gain efficiencies.

Mr. Campbell agreed that the basic idea for steering developers toward OSRDs was by reducing their costs through these efficiencies. Ms. Crystal-Lowry reiterated that the intent of the amendment was to clarify the town's objective in passing the original OSRD bylaw.

Motion by Mr. Mauch to recommend the proposal to amend Zoning Bylaw Article IV Special Regulations §4850, 5) b as proposed to Town Meeting. Duly seconded and passed 3-2 by roll call vote: Mauch: Aye; Campbell: No; Cadman: Aye; Crystal-Lowry: Aye; Fitzgerald: no.

At this point, Mr. Mauch asked the PB whether it could reconcile this 3-2 vote with its unanimous recommendation of the article at the previous meeting. After some discussion as to revisions, the consensus of the PB was to rescind the vote of support and continue the hearing to investigate the issue further.

Motion by Mr. Campbell to continue the public hearing to April 26 at 6:45 PM. Duly seconded and unanimously voted.

Motion by Mr. Mauch to rescind the earlier vote supporting the article. Duly seconded and unanimously voted.

The PB then discussed with Ms. Turner possible changes to the proposal; these included the addition of language requiring that an OSRD lot yield not exceed a certain percentage of the maximum yield under a traditional development, or allowing for higher lot yields in exchange for specific amenities benefiting the town. Mr. Fitzgerald indicated that he was not personally opposed to density bonuses in OSRDs if these developments accomplish other ends desired by the town.

Ms. Turner cited public accessibility to the open space in OSRDs as an important issue that spoke to the original idea behind the bylaw. Mr. Campbell is willing to research other local bylaws for ideas.

Public Hearing: proposal to Amend Zoning Bylaw Article IV Special Regulations §4850, 4) Pre-Application Conference

Mr. Fitzgerald read the Notice of Public Hearing.

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

Mr. Mauch characterized this article as being corrective to the existing Zoning bylaw regarding pre-application conferences.

Motion by Mr. Campbell to recommend the proposal to amend Zoning Bylaw Article IV Special Regulations §4850, 4) as revised 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 §7000 Billboard Zoning Overlay District

Mr. Fitzgerald read the Notice of Public Hearing.

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

Mr. Mauch advised the PB that the petitioner had emailed Office Administrator Meredith Schmid, asking that this item be withdrawn.

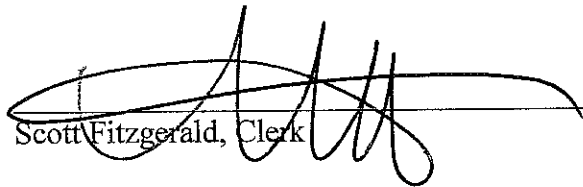
Motion by Mr. Mauch to recommend that no action be taken as the applicant has withdrawn. Duly seconded and unanimously voted.

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

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 9:50 P.M.

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on 5/25/17.



Scott Fitzgerald, Clerk

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