

PLANNING BOARD  
**TOWN OF NORWELL**

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**Norwell Planning Board Meeting Minutes  
September 14, 2016**

The meeting was called to order at approximately 7:10 p.m. with Don Mauch presiding. Also present were Board Members Ken Cadman and Scott Fitzgerald. Patrick Campbell and Jamie Crystal-Lowry were absent. The meeting was held in the Planning Office.

**Agenda**

*A motion was duly made by Member Cadman and seconded to approve the agenda. The motion was approved by a vote of 3-0.*

**Bills**

Horsley Witten	Invoice 39091	\$1,040.00
Tibbetts Engineering Corp.	Invoice 61898	\$2,321.62
Chessia Consulting		
Bay Path Lane	Invoice 1581	\$294.70
	Invoice 1600	\$757.10
	Invoice 1605	\$115.00
	Invoice 1610	\$115.00
	Invoice 1611	\$115.00
Wildcat	Invoice 1594	\$118.60
	Invoice 1595	\$406.10
	Invoice 1596	\$176.10
103 Washington St	Invoice 1545	\$1322.50

*A motion was duly made by Member Cadman and seconded to pay the invoices. The motion was approved by a vote of 3-0.*

**Minutes**

*A motion was duly made by Member Fitzgerald and seconded to approve 7/27/16 minutes. The motion was approved by a vote of 3-0.*

**Material Submission Policy**

The Board discussed a new material submission policy that requires a three week advanced submission period for materials needing technical review and those non-technical review materials be submitted the Friday prior to the Planning Board meeting where the materials are to be discussed.

*A motion was duly made by Member Cadman to approve the submission policy. The motion was approved by a vote of 3-0.*

#### **ANR First Parish Church**

*A motion was duly made by Member Cadman to accept the plan. The motion was approved by a vote of 3-0.*

The Board discussed the Mass Grid coordinates on the plan and determined they were accurate as presented.

*A motion was duly made by Member Cadman that findings A-D and F-X were acceptable. The motion was approved by a vote of 3-0.*

*A motion was duly made by Member Cadman that finding E did not meet required criteria but was acceptable at a 1:30 scale. The motion was approved by a vote of 3-0.*

*A motion was duly made by Member Fitzgerald to approve the ANR plan. The motion was approved by a vote of 3-0.*

#### **Birchwood Surety Demand**

At the 2016 Town Meeting, Fieldstone Lane was accepted as a public way. The subdivision is now complete. However, there is an outstanding invoice due to the Planning Board's review consultant, Chessia Consulting, of \$1,197.50 for work completed in November 2013. The Board currently holds \$297.23 in the review fee account and \$902.73 in a cash surety.

The developer, Alex Kahane, has stated on several occasions that he is unwilling to pay the invoice due. An email and letter was sent to Kahane informing him of the Board's intention to seize the surety and pay the invoice. Staff spoke with Kahane on 9/29/16 and was informed that he would not attend the meeting. Kahane then refused the certified letters sent to him.

*A motion was duly made by Member Mauch to seize the surety and pay the Chessia Consulting Invoice. Town Counsel is to draft a letter to Kahane confirming this demand. The motion was approved by a vote of 3-0.*

#### **Bay Path Lane Lot Release**

An August 24<sup>th</sup> letter from Diane Tillotson requested the release of lots 3 and 7 from the Bay Path Lane Covenant. Two Conditions remain to be addressed. The Conservation Restriction needs to be approved by the Conservation Commission and the Water Department land parking lot needs to be completed.

Conservation Restriction: The applicant has been actively pursuing the approval of the restriction with the state and has received tentative approval from the Executive Office of Energy and Environmental Affairs (EOEEA). The issue is that the Norwell Conservation

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Commission does not want to accept the restriction unless there are funds available to them to perform the yearly work associated with accepting a restriction. The Board was concerned that the Con Com had not been included earlier in the drafting of the document and is aware that the applicant is on the Con Com agenda for 9/20. Tillotson stated that they will be discussing an endowment fund at the meeting and that the Hingham Land Trust had provided information on how to assess the levels of funding required to maintain the restriction. The plan was also being circulated with the Hingham Land Trust to see if they were interested in holding the restriction as the Bay Path Lane land abuts other restricted land in Hingham. Maxwell Trust and Wildlands Trust had also been contacted.

Another option discussed was that the restriction be held by a land trust. Condition 58 of the Certificate of Vote would need to be modified in order to allow this, but the Board was open to this solution.

Parking Area: The land has been cleared for the lot construction and work will be continuing through the fall.

*A motion was duly made by Member Cadman to release lots 3 and 7 from the covenant and to continue to hold lots 2 and 6 until the Conservation Restriction and the parking lot is completed. If there are issues getting approval from the Secretary of EOEEA the Board could entertain additional releases. The motion was approved by a vote of 3-0.*

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

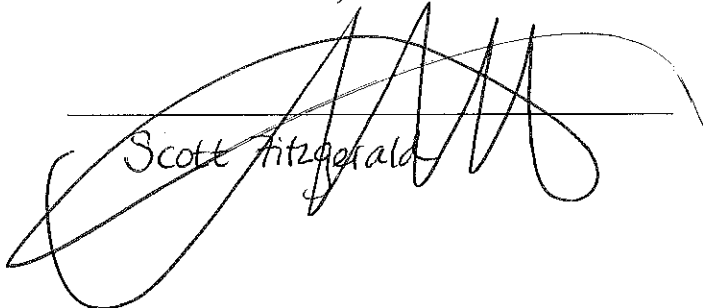
Pathways: The Norris Reservation and Town Center Pathway Connection has been submitted to Conservation for review.

Bylaw Review: The table of contents is in the process of being finalized with General Code. Discussions have started regarding funding to have a consultant review zoning bylaw amendments as they are drafted by the Board.

#### **ADJOURNMENT**

*At 8:45 p.m., Member Mauch moved that the Board adjourn. The motion was approved by a vote of 3-0.*

I certify that the above minutes were reviewed and approved by a majority vote of the Planning Board on October 12, 2016.

  
Scott Fitzgerald

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