

Norwell Planning Board Meeting Minutes
October 5, 2005 Regular Session

The meeting was called to order at 7:00 p.m. Present were Board Members Bruce W. Graham, Karen A. Joseph and Sally I. Turner and Town Planner Ilana Quirk. Members Richard Parnell Barry and James M. Ianiri were absent.

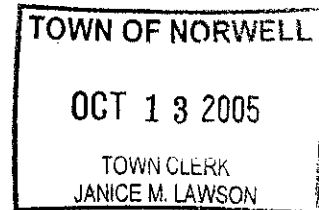
DISCUSSION. Draft Agenda. 7:00 p.m.

Member Joseph moved and Member Turner seconded that the Board approve the draft agenda. The motion was approved 3-0.

DISCUSSION. Minutes. 7:01 p.m.

September 21, 2005 Minutes.

Member Joseph moved and Member Turner seconded that the Board vote to approve the September 21, 2005. The motion was approved 3-0.



DISCUSSION. Bills. 7:07 p.m.

Mileage Reimbursement: Member Karen Joseph \$28.95

Member Turner moved and Member Graham seconded that the Board vote to reimburse Member Joseph \$28.95 for mileage incurred during the September 17, 2005 Fall Subdivision Tour. The motion was approved 3-0, with Members Barry and Ianiri absent.

DISCUSSION. 630 Main Street ANR Plan. 7:05 P.M.

The Board reviewed an ANR Plan delivered to the Planning Office on Friday, September 30, 2005, entitled "Plan of Lots at 630 Main Street Norwell, MA Assessor's Lot 34, Map 15-C," dated August 31, 2005 (noting revisions dated July 8, 2005), prepared by mr Surveying, Inc., P.O. Box 5104, Norwell, MA 02061 and signed by Professional Land Surveyor Ralph H. Cole on September 14, 2005. The Plan concerns land located at 630 Main Street and shown on Assessor's Parcel 58-34. The Board reviewed a draft decision prepared by the Planner, dated October 3, 2005.

No one was present for the Applicant. An abutter to the property was present and she asked questions of the Planning Board, regarding the future use of the property. The Board members noted that they cannot know what the owner will do with the property, owner with the Building Inspector/Zoning Enforcement Officer and the Board of Appeals, in the event that the owner relies upon the proposed ANR and wants to change the current circumstances, either by conveying or making a use related change.

Member Joseph moved and Member Turner seconded that the Board vote to endorse the August 31, 2005 ANR Plan for 630 Main Street and to adopt the recommended findings and determinations set forth in the October 3, 2005 draft decision, with the correct renumbering of the paragraphs in the draft decision and a correction of the typo on page 6 by deleting the incorrect reference to §18.3 and inserting the correct reference (§16.D) and with the requirement that the ANR Plan be stamped, with a form stamp, as follows:

“One or more of the parcels shown on this plan is created as a separate parcel under G.L. c.41, 81L, 13, sentence #3. As a result, compliance with zoning requirements shall be followed prior to conveyance of any such parcel as a separate lot with a building that may be occupied either by: (1) obtaining a special permit under the Norwell Zoning By-law that a lawfully preexisting, nonconforming lot may be extended, changed or altered so as to allow the proposed division and conveyance; or (2) obtaining a variance to address all nonconformities.”

The motion was approved 3-0, with Members Barry and Ianiri absent.

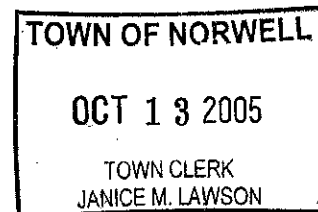
The ANR Plan was stamped as directed and then three Board members endorsed the Mylar and five copies of the plan as the Board’s Clerk was not present.

DISCUSSION. 1081 Main Street/16 Windward Acres. 7:15 p.m.

Present at the meeting were Applicant Peter Blanchard, Attorney Brian Cook and Professional Land Surveyor Douglas Aaberg.

The Board reviewed an ANR Plan delivered to the Planning Office on Monday, October 3, 2005 and entitled: “Plan of Land, 16 Westwind Acres in Norwell, MA,” dated September 27, 2005, prepared by Douglas L. Aaberg, Professional Land Surveyor of Aaberg Associates, Inc. for Owner Storm Realty Trust of 16 Westwind Acres, Norwell, MA. The Plan concerns land located off on Main Street, referred to as 16 Windward Acres, and 1081 Main Street, which are shown as Assessor’s Parcels 15-15 and 15-12, respectively. The Board reviewed a draft decision, dated October 4, 2005, prepared by the Planner.

The Planner noted that there were three issues raised by the ANR Plan. The first issue is whether Lot 1, as shown on the plan, has sufficient frontage to allow endorsement as it only has 22.5 feet of frontage on Main Street, instead of the 80 feet currently required under the Zoning By-law. There was a recent determination, under G.L. c.40A, §6, by the Board of Appeals that the proposed reconfiguration of the Assessing Parcel 15-15, as shown on the ANR Plan, would not be substantially more detrimental than the existing configuration. Town Counsel’s opinion was sought and Town Counsel opined that Lot 1 has sufficient frontage to allow endorsement of the ANR Plan, based upon the Board of Appeals’ recent decision.



The second issue is whether Lot 2, as shown on the plan, allows the plan to be endorsed, since Lot 2 has zero frontage. Surveyor Aaberg inserted, by hand, notes on the Mylar and copies of the plan that Lot 2 is not a buildable lot by itself.

The third issue is whether the Board should bring the restrictions of Zoning By-law §1650(b) to the attention of the applicant. The Planner noted that she spoke to Attorney Brian Cook previously at length about this issue. Section 1650(b) has restrictions on the use to which portions of a nonconforming parcel can be used when recombined with other land. This particular issue is not before the Planning Board and was not before the Board of Appeals when it made its recent determination. The concern, though, is that the applicant move forward will full knowledge of the existence of the requirements of §1650(b) and that it may have an impact on the applicant's ability to further divide the parcel created when Lot 2, as shown on the plan, is combined with 1081 Main Street. Attorney Cook noted that he is aware of the provision and has discussed the provision with the Applicant. A copy of Town Counsel's October 4, 2005 opinion letter was provided to Attorney Cook.

Member Joseph moved and Member Turner seconded that the Board vote to endorse the September 27, 2005 ANR Plan for 16 Windward Acres and to adopt the recommended findings and determinations set forth in the October 4, 2004 draft decision with the insertion of the language on page 1 of the decision, under Plan Details, that Lot 2 is not a buildable lot. The motion was approved 3-0, with Members Barry and Ianiri absent.

The three members present signed the Mylar and the copies of the plan as the clerk was not present.

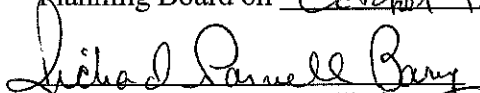
DISCUSSION. Staff issues. 7:35 p.m.

The Board discussed staffing issues, computer problems and potential changes to the Planner's position in the future. Chairman Graham noted that he intends to speak to the Selectmen at 8:00 p.m., regarding staffing issues. No motions were made and no votes were taken.

DISCUSSION. Adjournment. 8:55 p.m.

At approximately 8:55 p.m., Member Joseph moved and Member Turner moved that the Board adjourn. The motion was approved 3-0, with Members Barry and Ianiri absent.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on October 12, 2005.


Richard Parnell Barry, Chairman

