

DEC 13 2007

TOWN CLERK
JANICE M. LAWSON

**Norwell Planning Board Meeting Minutes
November 28, 2007**

The meeting was called to order at approximately 7:00 P.M. Present were Board Members Bruce W. Graham, Karen A. Joseph, Sally I. Turner, Michael J. Tobin and Town Planner Todd Thomas. Member Markham arrived during the discussion on the Scenic Road Bylaw.

DISCUSSION: Draft Agenda.

Member Graham moved to add a discussion on Inclusionary Zoning. Member Turner moved and Member Joseph seconded that the Board accept the amended agenda as presented. The motion was approved 4-0.

DISCUSSION: Regular Session Minutes, November 14, 2007.

Member Joseph moved and Member Turner seconded the motion to accept the November 14th regular meeting minutes as presented. The motion was approved 4-0.

DISCUSSION: Bills.

Monadnock Spring Water (Inv. #91530) \$10.00

Member Joseph moved and Member Tobin seconded that the bill be paid and that the payment voucher be signed. The motion was approved 4-0.

DISCUSSION: Scenic Road General Bylaw.

Member Markham said that he would like to show any proposed Scenic Road Bylaw to the Advisory Board. Members Joseph and Member Graham said that they would like to garner the opinion of Highway Surveyor Paul Foulsham on the proposed bylaw.

Member Markham and Member Tobin both said the bylaw should include a provision for a fine.

The Board entered into a discussion on the specifics of the bylaw and directed the Town Planner to make specific changes. The Town Planner was also instructed to speak with Fire Chief Reardon before he completed the next bylaw draft.

DISCUSSION: ZBL §2460 Building Height.

The Town Planner introduced a proposal that would increase the height limit in Business C to 5 stories / 67 feet and increase the height limit in residential districts to 38 feet.

After a brief discussion, the Board agreed that there was no need to raise the allowable residential height by 4 feet. The Town Planner said that because the height measurement was calculated via the average ridgeline height, the current 34' cap was more of a design limitation than a strict limitation on the actual building height of a dwelling.

The Board agreed that increasing building height in Business C deserved consideration. A discussion ensued if the height increase should be allowed in both Business Districts C1 and C2. The Board instructed the Town Planner to research potential impacts of

height increases on the neighboring Residential B District. The Board also agreed to drive around Business District C to ascertain potential impacts themselves after the John Neil Drive Extension Site Walk.

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DISCUSSION: ANR Private Road Policy.

The Town Planner began the discussion of the ANR Private Road Policy by relating a meeting held earlier in the day between P.E. Brad McKenzie regarding Jordan Lane. He said that Engineer McKenzie told him that the Board's construction standards for roads would result in the clear-cutting of the entire 40' right-of-way along Jordan Lane. The Town Planner related that Engineer McKenzie questioned if subgrade was required beneath the road's shoulders. He added that Engineer McKenzie also asked if in-situ testing of materials would possibly allow the gravel or sand that currently comprised the road to remain as part of the newly constructed road.

Member Graham said that he would like the Town Planner to garner Technical Consultant John Chessia's opinion about Engineer McKenzie's statements. Member Graham said that in light of Engineer McKenzie's comments, he would like to understand if there are any unintended consequences of the Board's ANR Private Road Determination Policy. Member Joseph said that she believed Engineer McKenzie was not being completely forthright in his presentation of the impacts of the Board's road construction standards. The Town Planner agreed to consult Technical Consultant Chessia. The Board instructed the Town Planner to make minor changes throughout the draft ANR Private Road Policy.

DISCUSSION: Barrel Lane.

Member Graham began the discussion on Barrel Lane by relating a conversation he recently had with Town Counsel regarding the November 14th Planning Board meeting. Town Counsel clarified that the November 14th meeting was not a remand hearing and just an informational discussion. Town Counsel also clarified that the new Planning Board Rules and Regulations would apply to a modified subdivision plan for Barrel Lane.

Member Graham informed the Board that he told Town Counsel that he personally might be willing to modify the language in the Certificate of Vote about the disputed land if that would settle the lawsuit. Member Graham said that the next step was to schedule a formal remand hearing. Member Turner said that the Board should simply add a reference to the Certificate of Vote that stated the outcome of the court case. Member Markham said that the Land Court decision removed any ambiguity in the title of the disputed land. Member Markham added that he thought the Board should make a good faith effort to settle the case and that fixing the language may appease the court. Member Joseph said that the complaint only addressed the ownership issue and not the other conditions of subdivision approval that Mr. Shute was currently seeking relief from. Member Turner said that any changes other than the language would require subdivision modification. Member Graham agreed and said that the Board could vote to add an addendum to the subdivision approval that addresses the language about the disputed land, but should not revoke the subdivision approval.

DISCUSSION: Inclusionary Zoning.


Member Graham began a discussion on Inclusionary Zoning by informing the Board that the Selectmen's apparent interest in it was the result of a conversation he had with Selectman Merritt. Member Graham walked the Board through an abbreviated version of the presentation he expected to make with the Selectmen, stating the fact that Norwell allows developers to create traditional subdivisions by right. Any approach to gain either protected open space or affordable housing should be done by way of special permit to allow the necessary flexibility. Member Joseph said that she is not sure if she is in favor of Inclusionary Zoning. She added that she did not support density bonuses. Member Graham said that MGL Chapter 40, §9 allows density bonuses for the creation of affordable housing. Member Markham said that developers need a financial inducement to build affordable housing, but that he did not think a special permit process was appropriate.

Member Graham said that Inclusionary Zoning is not his top priority because he expects significant opposition to the concept, but he would be willing to talk to the Selectmen about it to see if they had sufficient interest and support to warrant the Planning Board's time. Member Graham said that a committee should be formed to study Inclusionary Zoning and that in order to craft a bylaw that would withstand legal challenge and accomplish the intended goals, the Planning Board should strongly consider seeking Town Meeting funding to hire one or more experts to assist the committee. Member Joseph replied that forming such a committee was easier to do in larger municipalities, but difficult to do in small towns like Norwell.

ADJOURNMENT.

At 9:45 P.M. Member Markham moved and Member Turner seconded that the Board adjourn. The motion was approved by a vote of 5-0.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on December 12, 2007.


Sally I. Turner, Clerk

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