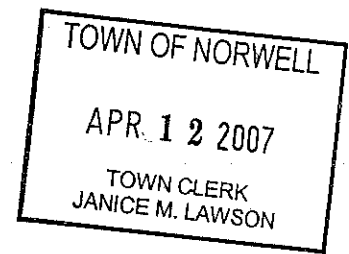


**Norwell Planning Board
Special Meeting Minutes
March 21, 2007**



The meeting was called to order at approximately 6:30 P.M. Present were Board Members Bruce W. Graham, Karen A. Joseph, Sally Turner, Charles Markham, Michael J. Tobin and Town Planner Todd Thomas.

DISCUSSION: Draft Agenda.

Member Graham moved to add 306 Washington Street and 575 Main Street to the agenda. Member Joseph moved to add a discussion on the priorities and procedures of the Planning Board to the agenda. Member Turner moved and Member Tobin seconded that the Board accept the amended agenda as presented. The motion was approved 5-0.

PUBLIC HEARING: ZBL §1642, Non-conforming Lots

Member Graham opened the public hearing for ZBL §1642 Non-conforming Lots and Member Turner, in her capacity as Planning Board Clerk, read the public hearing notice. In attendance at this hearing were Selectmen John Mariano, Rick Merritt, and Tom Bigger. Pat Haraden, Charles Dirk, and Skip Joseph from the Advisory Board were also present. Present from the general public was Robert Bordewieck. Selectman Merritt began the evening's discussions by outlining the goals and reasoning behind the proposed revision to ZBL §1642. He added that the proposed bylaw establishes four categories of construction projects on non-conforming lots that would be automatically exempted from Section 6 determinations, effectively returning the responsibility for granting building permits in those instances to the Building Inspector. Mr. Merritt noted that the language being presented in the public hearing was the result of a collaborative committee. Member Graham followed these comments by announcing that he, along with Member Joseph, represented the Planning Board on the §1642 Committee.

Member Markham began the general discussion of the bylaw by asking Selectman Merritt approximately how many Zoning Board of Appeals (ZBA) hearings would the proposed bylaw reduce per year. Selectman Merritt responded that the proposed bylaw should reduce the workload of the ZBA and that he thought that at least 50 ZBA Section 6 hearings could possibly be eliminated per year. Member Joseph added that the Building Inspector, Board of Assessors, and Town Counsel vetted the language as proposed.

Selectman Mariano began specific discussion of the bylaw by asking what someone on a small non-conforming lot could do under the proposed bylaw that they could not do today. Member Graham responded that someone on a small lot could add a pool, shed, deck, and a dormer - provided it was not above the roofline. He also confirmed that an unattached garage would be considered an outbuilding.

Skip Joseph also questioned subsection "a. Dwellings on Non-conforming Lots Equal to or Greater than 1 Acre" of the proposed revision to §1642 regarding the language that sets the footprint maximum expansion of the alteration, reconstruction, or change at 25%. Member Graham and Selectman Merritt replied that this percentage could be amended or removed on the floor at Town Meeting. Selectman Merritt cautioned though that any change should not be too far-reaching as it could result in the Attorney General rejecting the language.

Skip Joseph said that he believed the proposed bylaw as written affects smaller lots more than larger lots and that someone could obtain a building permit for a large pool more easily than they could for a two-car garage, unless the footprint provision in the proposed language was increased to at least 50%. Selectmen John Mariano echoed this comment by saying that it is his opinion that the proposed language does not help anyone in Precinct One. Member Joseph rebuffed these comments by noting that the at-large committee member from Precinct One supported all the changes proposed. Member Turner agreed with Member Joseph and added that she too believed that the proposed bylaw would help residents of Precinct One.

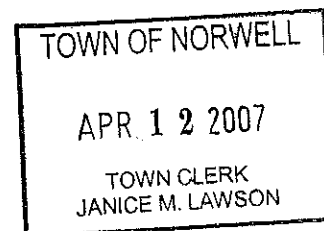
Member Joseph moved to close the public hearing on the proposed revision to Z.B.L. §1642. Member Turner seconded this motion and a 5-0 vote was recorded affirming it.

Member Joseph moved and Member Tobin seconded a motion to recommend the proposed version of the bylaw to Town Meeting. A 5-0 vote affirmed this motion. The Planning Board also agreed to consider recommending language on the floor at Town meeting that would look to alter the percentage in subsection "a. Dwellings on Non-conforming Lots Equal to or Greater than 1 Acre" of the proposed §1642.

PUBLIC HEARING: ZBL §1650, Isolated Lots

Member Graham opened the public hearing for the proposed change to ZBL §1650 Isolated Lots and Member Turner, in her capacity as Planning Board Clerk, read the public hearing notice. In his opening remarks, Member Graham noted that the intent of the proposed revision was to fix this bylaw by eliminating the words "erection, extension, alteration, or moving a structure." The elimination of these aforementioned words brings the new bylaw in-line with the Fourth Paragraph of 40A, Section 6 of the Zoning Act. Member Graham finally noted that the impetus for this change came from Assistant Town Counsel Galvin who was alerted to the fact that the bylaw in its current form was flawed while representing the Town in what was referred to as the "Steve Bjorkland" case.

After a brief discussion, Member Joseph moved to close the public hearing for §1650 Isolated Lots. Member Tobin seconded the motion and a 5-0 vote was recorded affirming it.



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Member Joseph moved and Member Tobin seconded a motion to recommend the proposed version of §1650 Isolated Lots to Town Meeting. A 5-0 vote was recorded affirming the motion.

PUBLIC HEARING: §2423, Stormwater Management System

Member Graham opened the public hearing for ZBL §2423 Stormwater Management System and Member Turner, in her capacity as Planning Board Clerk, read the public hearing notice. Member Graham began the discussion by noting that the proposed ZBL for Stormwater Management System was the same as the article that was Indefinitely Postponed at the 2006 ATM. He elaborated that the bylaw only backed out the additional stormwater management system easement out of the buildable area calculation, and it in no way imposes an unreasonable hardship on homeowners.

In response to a question if this bylaw would make more lots in Town non-conforming, Member Graham said that after researching this question, he could find no known lots anywhere in Town that will be made non-conforming if this bylaw passes. In conclusion, he added that the Town had already agreed to a bylaw that subtracted detention and retention basins from the buildable lot area. He noted that this subtraction from the buildable lot area is considerably more significant than the reduction in lot area being proposed under the proposed §2423 Stormwater Management System.

Resident Skip Joseph announced that he was fine with this proposed bylaw provided that the revision of §1642 passes.

Member Markham moved to close the public hearing for §2423 Stormwater Management System. Member Tobin seconded the motion and a 5-0 vote was recorded affirming it.

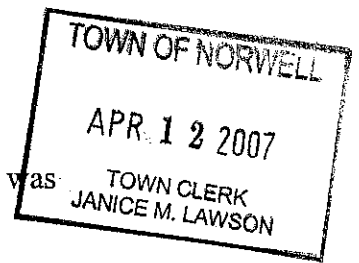
Member Markham moved and Member Tobin seconded a motion to recommend the proposed version of §2423 Stormwater Management System to Town Meeting. A 5-0 vote was recorded affirming the motion.

DISCUSSION: 360 Circuit Street ANR plan

Member Joseph moved to receive the 360 Circuit Street ANR plan. Member Markham seconded the motion and a 5-0 vote was recorded to accept the plan.

PUBLIC HEARING: ZBL §2450, Lot Shape

Member Graham opened the public hearing for the proposed change to ZBL §2450 Lot Shape and Member Turner, in her capacity as Planning Board Clerk, read the public hearing notice. Developer Stephen Bjorkland arrived for this hearing and remained in the Planning Office until the Washington Street rezoning articles. In his opening remarks, Member Graham noted that the proposed revision to §2450 was both an attempt to fix the poor grammar in the bylaw and an effort to memorialize the way the bylaw was currently



being interpreted by the Building Inspector. It was noted that Tim Fitzgerald was currently not allowing wetlands and easements in the building circle.

Asking for clarification, Member Tobin asked if a proposed house had to be put in the building circle. Member Graham replied that the Building Inspector currently interpreted the bylaw as not requiring the house be placed inside the 150-foot building circle. Member Graham added that the bylaw is intended to regulate lot shape, not house location.

Resident Skip Joseph proclaimed that the proposed revision to ZBL §2450 Lot Shape did not honor the original intention of the bylaw. He stated that it did not matter if wetlands or easements were in the building circle, as the house did not need to be built specifically where it was drawn. Mr. Joseph also added that he believed the circle should be located at the setback line. Member Graham replied that the intent of §2450 was simply to ensure that a lot has a reasonable building site, not to regulate where on a lot a house should be built.

Developer Steve Bjorkland asserted that he believed the intent of the revision to §2450 Lot Shape was to make the bylaw more restrictive. Member Graham replied that the intent of the revision was to ensure a buildable lot was possible. Mr. Bjorkland expanded on his concerns that wetlands and easements were proposed to be excluded from the circle by noting that he now has the ability to build a house that encroaches on the wetlands where he will not if the bylaw is passed. Chairman Graham responded that it was his belief that the house did not have to be built within a circle and that he was open to eliminating subsection 2 from the proposed bylaw at Town Meeting.

Citing the disagreement over the interpretation of the bylaw, Member Markham suggested that the Planning Board wait until next year to recommend a revision to §2450 Lot Shape. In response, and after hearing Member Turner's interpretation of the bylaw, Member Joseph agreed that the Board should revisit the proposal next year.

Upon a motion made by Member Markham and seconded by Turner, a 5-0 vote was recorded closing the public hearing on §2450 Lot Shape.

Member Joseph moved and Member Markham seconded a motion to Indefinitely Postpone the proposed version of §2450 Lot Shape. A 5-0 vote was recorded affirming the motion.

PUBLIC HEARING: ZBL §3100, Off-Street Parking

Member Graham opened the public hearing for the proposed change to ZBL §3100 Off Street Parking and Member Turner, in her capacity as Planning Board Clerk, read the public hearing notice. Member Graham opened discussion on the proposed changes to the bylaw by noting that the intent was to reduce parking requirements in zoning district Business C. He also noted that the bylaw was being brought up to date and revised to reflect more standard current day language. Member Joseph followed Member Graham's

remarks by noting that the new parking ratio proposed for Business C was in-line with industry standards and that the revision to the bylaw also included provisions for loading areas. Member Joseph also mentioned that she envisioned relaxing building height in Business C for the 2008 Town Meeting.

Resident Skip Joseph responded by offering his opinion that reducing parking requirements in Business C along with possibly allowing another building story was a great idea, as the changes promised an increase in tax revenue for the Town.

Member Turner mentioned a possible scenario in which someone increased the size of the building in relation to the relaxed parking requirements. She asked if they could then expand the height of the building the next year once the height restriction was relaxed. The Town Planner responded that the person could only do so if they had ample parking to accommodate the new building area, regardless of what they had done the previous year.

Developer Steve Bjorkland mentioned that he hoped the Board would look to relax parking at banks and other retail uses. The Town Planner replied that such a reduction was outside the scope of this year's parking bylaw revision, but that it could be addressed in the future.

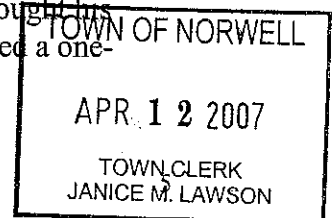
Member Markham moved to close the public hearing for §3100 Off Street parking. Member Tobin seconded the motion and a 5-0 vote was recorded affirming it.

Member Markham moved and Member Joseph seconded a motion to recommend the proposed version of §3100 Off Street Parking to Town Meeting. A 5-0 vote was recorded affirming the motion.

PUBLIC HEARING: ZBL §6470 & §6480, Zoning Changes regarding parcels 447, 455, & 461 on Washington Street (warrant article 65)

Member Graham opened the public hearing for the proposed zoning change from Residential B to Business B on Washington Street parcels 447, 455, & 461 (ZBL's §6470 & §6480) and Member Turner, in her capacity as Planning Board Clerk, read the public hearing notice. After a brief time period in which Planning Board members questioned which of the three proposed Washington Street rezoning petitions was in front of them, the Board proceeded after establishing that the first public hearing was to be for parcels 447, 455, & 461 on Washington Street (corresponding warrant article #65).

Petitioner Dan DeWolfe opened his remarks by clarifying that the zoning petitions known as warrant articles 64 & 66 would be Indefinitely Postponed at Town Meeting. Speaking for the Zoning Changes regarding parcels 447, 455, & 461 on Washington Street (warrant article 65), Mr. DeWolfe asked the Planning Board to recommend in favor of his proposal. Mr. DeWolfe then introduced Civil Engineer George Collins of Collins Engineering. Mr. Collins opened his remarks by noting that Mr. DeWolfe bought his property under the pretenses that it was zoned for business. He then submitted a one-

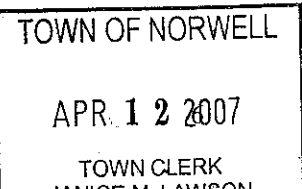


page plan sheet for 461 Washington Street, entitled "Existing Conditions and Potential Development Plan" dated February 23, 2007, which showed what could be created on the lot if it was changed to Business B from Residential B. Referencing the plan, Mr. Collins highlighted that Mr. DeWolfe's lot was too small for any kind of large-scale development. He then added that even if Mr. DeWolfe tore down his building (if granted the zoning change), only a modest professional building could replace it, considering site limitations. Mr. Collins concluded his remarks by suggesting that if the property was rezoned, it would offer the abutters and neighbors more protection via site plan approval than they currently had via the existing home based business bylaw.

Dan DeWolfe followed the remarks of Mr. Collins by referencing a letter, which attested to his character dated March 21, 2007 signed by State Representative Robert J. Nyman attesting to his character. Sally Turner, in her capacity as Planning Board Clerk cited the letter for the record. Mr. DeWolfe then began his presentation, stating the reasons why he is petitioning for a zoning change. Member Graham then noted for the record the real estate listing in the package entitled "461 Washington Street Norwell, MA 02061" submitted by Mr. DeWolfe that incorrectly advertised his property as in Business B. Mr. DeWolfe responded by asserting that he would never have purchased the property if he knew it was zoned residential. He added that after purchasing 461 Washington Street, he received permits to operate as a business, but was shut down after three months once the Building Inspector notified him that his operation was in violation of the zoning for home based businesses.

Member Graham responded to Mr. DeWolfe's presentation by noting that he is more swayed by the numerous abutters in opposition to the proposal than by what he had just heard. He then noted that the Planning Board has the responsibility of thinking about proposals in the context of the potential long-range impact upon the Town if the zoning was to be changed. He then brought up what had transpired with Stop & Shop across the street where a number of small commercial properties were purchased and bundled together, allowing a large scale commercial project. If the zoning were to be changed, what happened across the street at Stop & Shop may likely happen at 461 Washington Street at some point in the future, regardless of Mr. DeWolfe's stated intentions. Member Graham opined that the issue that Mr. DeWolfe is grappling with is not fully a product of the property being zoned commercial or residential, but instead may be dealt with more efficiently by revising the specifics of the zoning bylaw that governs home based businesses. Revising ZBL §2313 to increase the number of employees from three would likely be less offensive to abutters than changing the zoning of the property to commercial, which has the potential for downstream negative impacts to both the abutters and the Town. Member Graham concluded his remarks by noting that Norwell's Master Plan recommends less restrictive zoning for home based businesses and subjecting proposed expansions of home based businesses to site plan review.

Member Turner followed Member Graham's comments by displaying a copy of the Assessor's Map of Washington Street that shows when the business zone was set up in the 1950's and 1960's, it was done as a deliberate attempt to leave areas with dense residential development access to Washington Street (Route 53) without having to go



through a commercial zone. This logic explains why there are holes in the Commercial zones, such as where Mr. DeWolfe's property is located. Member Turner concluded her remarks by adding that she believes the areas of residential zoned land on Washington Street were smartly laid out and she sees no reason to rule counter to the logic that created this important protection for the dense residential neighborhoods.

Resident Larry Afienko of 20 Wendall Avenue commented that he was not in support of the zoning change and that it was not the resident's fault that the property was misrepresented as Business B to Mr. DeWolfe.

Resident Ron Keefe of 7 Wendall Avenue commented that he was not in favor of the proposed zoning change. He added that he appreciates what Mr. DeWolfe has done to improve the site, but he rejects any efforts to change the buffer to the commercial zone, as explained by Member Turner.

Resident Terri Keefe of 7 Wendall Avenue questioned the economic hardship of owning property located in Residential B as explained by Mr. De Wolfe. She added that the property formally known as Queen's Garden had recently sold for \$700,000 and that she appreciated the buffer zone that Residential B properties on Washington Street offer to abutting residential neighborhoods.

Following comments by Mr. DeWolfe that Queen's Garden was on the market for an extended period of time, resident Cindy Russo disagreed by noting that the property was not on the market for very long at all.

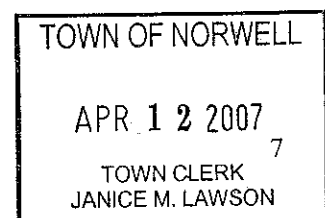
Resident John Comnesso of 39 Jacobs Trail offered to the Board that he is also concerned about the three properties featured in this proposal being purchased, consolidated, and developed on a large scale.

Resident John McLaughlin of 3 Jacobs Trail asked the Board if this proposal was spot zoning. Member Graham replied that the Attorney General could consider this spot zoning, but the Board would not speculate as to what the Attorney General might do.

With no other public comments offered for the record, Member Markham moved to close the public hearing for ZBL §6470 & §6480: Zoning Changes regarding parcels 447, 455, & 461 on Washington Street (warrant article 65). Member Turner seconded the motion and a 5-0 vote was recorded affirming it.

Member Joseph moved and Member Tobin seconded a motion to recommend against the proposed zoning change regarding parcels 447, 455, & 461 on Washington Street (warrant article 66). A 5-0 vote was recorded affirming the motion.

PUBLIC HEARING: ZBL §6470 & §6480, Zoning Changes regarding parcels 455, 461 & 467 on Washington Street (warrant article 64)



Member Graham opened the public hearing for the proposed zoning change from Residential B to Business B on Washington Street parcels 447, 455, & 461 (ZBL's §6470 & §6480) and Member Turner, in her capacity as Planning Board Clerk, read the public hearing notice. Member Graham noted that no one was in the room to attend the hearing.

Member Turner moved to close the public hearing for ZBL §6470 & §6480, Zoning Changes regarding parcels 455, 461 & 467 on Washington Street (warrant article 64). Member Markham seconded the motion and a 5-0 vote was recorded affirming it.

Member Joseph moved and Member Turner seconded a motion to recommend against the proposed zoning change regarding parcels 455, 461 & 467 on Washington Street (warrant article 64). A 5-0 vote was recorded affirming the motion.

PUBLIC HEARING: ZBL §6470 & §6480, Zoning Changes regarding parcels 447, 455, 461 & 467 on Washington Street (warrant article 66)

Member Graham opened the public hearing for the proposed zoning change from Residential B to Business B on Washington Street parcels 447, 455, 461 & 467 (ZBL's §6470 & §6480) and Member Turner, in her capacity as Planning Board Clerk, read the public hearing notice. Member Graham noted that no one was in the room to attend the hearing.

Member Tobin moved to close the public hearing for ZBL §6470 & §6480: Zoning Changes regarding parcels 447, 455, 461 & 467 on Washington Street (warrant article 66). Member Turner seconded the motion and a 5-0 vote was recorded affirming it.

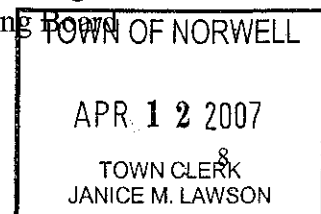
Member Turner moved and Member Tobin seconded a motion to recommend against the proposed zoning change regarding parcels 447, 455, 461 & 467 on Washington Street (warrant article 66). A 5-0 vote was recorded affirming the motion.

DISCUSSION: Agenda adds, 306 Washington Street and 575 Main Street

The Board agreed that they did not have ample time to review the letters drafted by the Town Planner. It was decided that both of these documents would be discussed at the March 28, 2007 meeting.

DISCUSSION: Priorities and Procedures of the Planning Board

Member Joseph noted that since the Planning Board had a new Member in Michael Tobin, she thought it would be a good time to go over the relevant priorities and procedures. She exclaimed that the Board must be careful to adhere to the guidelines of the Open Meeting Law. Member Joseph then polled the Board Members as to what they thought the priorities of the Planning Board should be in the next year. Member Graham motioned a running list of priorities that was kept by former Member Richard Barry. Member Graham then cited some of the priorities on the list and the remaining Board Members added their own priorities to it. The priorities listed by Planning Board



members for the upcoming year included ZBL §2450, relaxing building height in Business C, a wind bylaw, updating the home based business bylaw, drafting an Open Space Residential Design bylaw, improving Norwell Center and tapping the Pedestrian Enhancement Fund for crosswalks, the plowing plan for subdivision ways, updating the signage bylaw and tailoring it to overlay districts throughout the Town, and water issues including limiting lawn size.

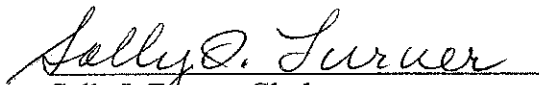
DISCUSSION: 575 Main Street (continued)

A brief discussion re-ensued on how to proceed with the 575 Main Street ANR plan as Assistant Town Counsel entered the room. Member Joseph mentioned that she was concerned that owner and applicant listed on the plan were different than the owner and applicant listed on the summary judgment for the Plaintiff. Noting the difference in the ownership, Town Counsel suggested that the Planning Board would be within its right to ask the applicant to submit an amended application with the owner and applicant information corrected thereon. The Town Planner was instructed to inquire if the owner and applicant should be Eugene Realty Trust or Hawthorne Park Realty Trust. He was then also instructed to call the beneficiary of both Trusts, Don Shute, to request a corrected application.

ADJOURNMENT.

At 10:25 P.M. Member Turner moved and Member Joseph seconded that the Board adjourn. The motion was approved by a unanimous vote of 5-0.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on March 28, 2007.


Sally I. Turner, Clerk

