

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

TOWN OF NORWELL

APR 12 2007

TOWN CLERK
JANICE M. LAWSON

The meeting was called to order at approximately 7:00 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 Joseph moved to add Barrel Lane litigation to the agenda. Member Tobin moved and Member Turner seconded that the Board accept the amended agenda as presented. The motion was approved 5-0.

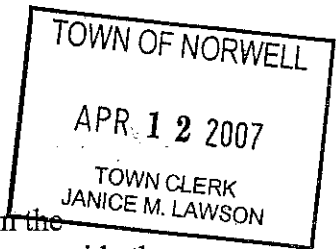
Discussion: Regular Session Minutes, March 14, 2007.

Member Joseph moved and Member Turner seconded the motion to accept the amended minutes, augmented as instructed. The motion was approved 5-0.

Discussion: §2450 Lot Shape w/ Tim FitzGerald

The Town Planner introduced the topic of ZBL §2450 Lot Shape by noting that Building Inspector, Tim Fitzgerald, had been invited in before the Board to participate in a discussion on the interpretation of the bylaw. The Town Planner added that the current discussion was the result of the previous week's public hearing on the bylaw that illuminated differences in the way board members interpreted the language. Member Markham opened the discussion by asking the Building Inspector Fitzgerald that if the house did not have to be placed within the 150' building circle, why would wetlands have to be excluded from it. Mr. Fitzgerald responded by saying that the purpose of the building circle is about lot shape, not to regulate where a house is located. He then noted that some of the newer homes in Town were larger than the dimensions of the 150' building circle. He added that he interpreted the bylaw to require that the circle be drawn within the lots lines, having no encumbrances including easements, setbacks, or wetlands within the circle – regardless of where the house is to be placed.

Member Graham echoed the comments of the Building Inspector by adding that the purpose of §2450 was to regulate lot shape, not to dictate where a home could be placed. He added that setbacks offer protection to abutters for home placement and that the use of §2450 for anything else other than lot shape makes the bylaw more restrictive. Member Graham concluded his remarks by adding that the Board still had time to reconsider the postponement of this warrant article for the 2007 Town Meeting. Member Joseph replied that she did not think it would be a prudent course of action to reconsider §2450 after the public hearing had closed and that she believed it should be Indefinitely Postponed, as agreed upon at the March 21st public hearing. Upon hearing similar comments from Member Markham, Member Joseph moved that the Board look to revise ZBL §2450 later in the year for the 2008 Town Meeting.



Neil Farmer reports on AHP activity / Warrant article

Member Graham noted that a Planning Board member is required to serve on the Affordable Housing Partnership and that Neil Farmer, who had been asked to provide the evening's report on AHP activity to the Planning Board, was currently serving in this capacity. Member Graham also noted that AHP Chairman Bruce Burgess had accompanied Mr. Farmer for the evening's report to the Planning Board.

Bruce Burgess began his report on AHP activity by noting that the two warrant articles in place for Town Meeting were both designed to transfer Town owned land to Habitat for Humanity, so affordable housing could be developed. The proposal called for a duplex home to be built by Habitat on each location, Assessor's parcels Block 57 Lot 12 and Block 1 Lot 7. Mr. Burgess asked for the Planning Board's support in regards to both of these proposals.

Mr. Farmer followed the comments of Mr. Burgess by asking for the Planning Board's assistance in crafting zoning proposals that would encourage multi-unit development with an affordable component in Town. He added that his experience with the AHP is that developers are reluctant to go through 40B due to the fear of protracted and expensive litigation. He then added that he thought any zoning proposal crafted should be as of right development, as it will attract higher quality developers and projects.

Member Joseph followed Mr. Farmer's comments by adding that she would like to pursue Planned Unit Development (PUD) utilizing an overlay district. Upon a motion made by Member Turner and seconded by Member Graham, the Planning Board agreed via a 5-0 vote to consider a PUD overlay district for the 2008 Town Meeting.

Discussion: ANR Plan for 360 Circuit Street

With Member Turner abstaining, a discussion of the Trudeau ANR plan for 360 Circuit Street dated March 5, 2007, began with the Town Planner noting that the plan was largely compliant with the Board's rules and regulations. Member Graham then led the Board through the findings, as delineated on the draft certificate of vote. Upon a motion made by Member Markham and seconded by Member Tobin, the ANR plan for 360 Circuit Street was endorsed as not requiring approval under the Subdivision Control Law. The vote affirming the motion was recorded as 4-0, with Member Turner abstaining.

Discussion: Charles Markham reports on CPC activity / Warrant articles

Member Markham, as the Planning Board's representative on the Community Preservation Committee, offered a report to the Board on CPC activity, including the warrant articles submitted. Member Markham first introduced article 13, which would authorize the Town to purchase 15.06 acres of land (Map 1, Lot 11) for \$150,000. This land purchase would ensure aquifer protection and possibly serve as potential well field development for the Water Department. Member Markham noted that there was upland

available in the parcel that the CPC could possibly develop for affordable housing, if they were ever able to gain access to the upland through an abutting property.

Member Markham spoke to the Board about article 14 which would appropriate \$8,538 for a playground at the Vinal School.

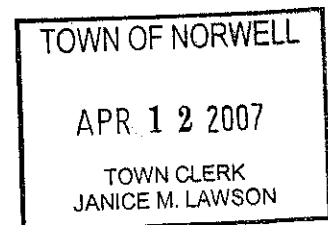
Member Markham introduced article 16 to the Board, which appropriates \$20,000 for the rehabilitation of historic resources. This proposal archives and preserves historic Town documents and the collection of the Norwell Historical Society for a display in the Sparrell School building.

Member Markham then introduced article 34, which intends to extend the deadline for the relocation and renovation of the houses on High Street that abut the proposed Marsh Liquors project.

Member Markham closed out his introduction of the CPC's warrant articles by noting that articles 35 through 37 can be viewed as a package. The Affordable Housing Authority asked for \$300,000 from the CPC for a fund that would look to purchase housing that is currently affordable, but is scheduled to lose its deed restriction. A new committee, called the Norwell Affordable Housing Trust, would administer this fund. This committee will look to purchase smaller single-family homes at market rate and resell them as affordable with deed restrictions. When questioned about the cost of this proposal, Member Markham replied that other towns are spending approximately \$85,000 for each affordable housing unit created and that this "one at a time" plan would look to keep the cost for each unit at a similar level (including bringing the homes up to code). Member Markham closed his remarks by noting that the CPC was in favor of all the proposals and that they were well received by the Advisory Board.

Discussion: 306 Washington Street ZBA Letter

The Town Planner reintroduced the Site Plan amendment request under ZBL §3211 for 306 Washington Street. He noted that the letter had been drafted based on the Board's comments at its previous meeting. He also added that he had found out through a conversation with ZBA Chairperson Lois Barbour that Attorney Walter Sullivan had submitted this request independent of the ZBA and had yet to file the Site Plan amendment request with them. The Planning Board updated the letter to reflect this reality and added a disclaimer, stating that if the submittal to the ZBA changed from what the Planning Board had seen, it should be directed back to the Planning Board as part of the Site Plan review process. Upon a motion made by Member Turner and seconded by Member Joseph, the draft letter with the discussed amendments was approved for 306 Washington Street. A 5-0 vote affirmed this motion and the Town Planner added that the letter would be sent to the ZBA with the discussed amendments on the morning of March 29th.



Public Hearing: Sgt. W. Calway (Continued)

The public hearing opened at 8:40 P.M. Chairman Graham instructed the Clerk to forgo reading the public hearing notice, as no one was in attendance other than the Planning Board members and the Town Planner. The Town Planner noted that the applicant had requested a continuance of final action and the public hearing.

Upon a motion made by Member Turner and seconded by Member Joseph, the Board voted to accept the Applicant's request to extend the deadline for final action from April 13, 2007 to June 29, 2007. A 5-0 vote was recorded affirming the motion.

Upon a motion made by Member Markham and seconded by Member Tobin, the public hearing was continued until May 23, 2007 at 8:00 P.M. A 5-0 vote was recorded affirming the motion.

Discussion: Wildcat Alternatives Letter

Member Graham began the discussion of the Wildcat Alternatives letter by noting that its intent was to arm the Conservation Commission if A.W. Perry appealed a potential denial of the project. Upon a motion made by Member Tobin and seconded by Member Markham, a 5-0 vote was recorded approving the draft letter for Chairman Graham's signature.

Discussion: 575 Main Street ANR letter, Vote to Accept Plan

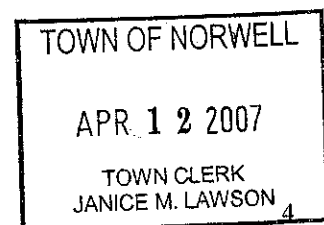
Member Graham opened up the discussion of 575 Main Street by noting that Assistant Town Counsel Bob Galvin had recommended that the Board sign the ANR plan for 575 Main St. Attorney Galvin joined the discussion and echoed Member Graham's comments. He also opined that the Planning Board was within its right to send the draft letter he reviewed to other land use boards, highlighting areas of potential concern with the project.

Member Joseph moved to sign the ANR plan dated May 10, 2002 for 575 Main Street as the court had ordered. Member Tobin seconded this motion and a 5-0 vote affirmed it.

Member Joseph moved that the draft letter citing concerns with 575 Main Street be sent to the Building Inspector (with copies as amended) to accompany the signed plan. Member Markham seconded the motion and a 5-0 vote affirmed it.

Discussion: Barrel Lane Litigation (agenda addendum)

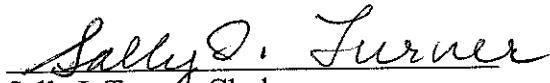
As Assistant Town Counsel was present, he updated the Board on what had recently transpired with the Barrel Lane tax taking litigation. Attorney Galvin noted that the decision on the underlying tax taking case had been vacated. He added that there was a high probability that the Town would appeal this decision.



ADJOURNMENT.

At 9:25 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 April 11, 2007.


Sally I. Turner, Clerk

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