

JAN 25 2007

TOWN CLERK
JANICE M. LAWSON

Norwell Planning Board Meeting with the Selectmen Minutes
January 10, 2007

The meeting was called to order at approximately 6:30 P.M. in the Osborne Room in the Norwell Town Offices. Present from the Planning Board were members: Richard Parnell Barry, Bruce W. Graham, Karen A. Joseph, Charles Markham and Sally I. Turner. Present from the Board of Selectmen were Donald Mauch, Rick Merritt, and John Mariano. Also present were Town Administrator Jim Boudreau and Town Planner Todd Thomas.

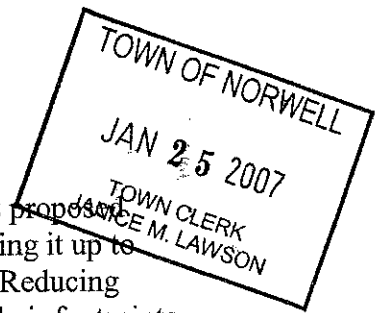
Prior to the beginning of any discussion, a town resident, Skip Joseph, spoke briefly to voice his objections that this meeting between two elected boards had not been more publicized and in fact should be on television. Those present took his objections under advisement, but noted that this meeting had been properly noticed and that the meeting was simply an informal sharing of information. Chairman Graham noted that more formal hearings on any proposed zoning articles would occur later on around the Town Meeting Warrant.

DISCUSSION: Intra-Board Discussion of Various Zoning Articles for the 07 ATM.

ZBL 1650 Isolated Lots – Member Graham briefly spoke on ZBL 1650 Isolated Lots by noting that the proposed change simply fixed a problem with the wording that was brought to his attention by Town Counsel Bob Galvin, Jr. The language change, as noted by Member Graham, brings the bylaw back to its intent by eliminating language regarding the erection, extension, or alteration of a structure.

ZBL 2423 Stormwater Management Systems -- Member Graham introduced ZBL 2423 Stormwater Management Systems to the Selectmen by noting that the proposed zoning bylaw change has the exact wording as the bylaw proposal that was indefinitely postponed at the 2006 ATM. Selectmen Merritt noted that he remembered that opposition to this amendment was based on the perception that this bylaw would create additional nonconforming lots. Rebuffing this perception, Member Graham noted that he could not find evidence of a single lot in Town that would be made nonconforming if this bylaw were adopted. He further noted that a bylaw had already been passed that backs stormwater management structures out of buildable lot area. Furthermore, this proposed ZBL, measured in affected land, is a very small addition to the land that would be backed out of total lot area, when compared with the ZBL on stormwater management structures.

ZBL 2450 Lot Shape – Member Graham noted that there were two parts to this proposed ZBL change. First, the poor language therein was simply being fixed. In answering Selectmen Mariano's question asking if this revision speaks to where the house is located on a lot, Member Graham noted that the intent of the bylaw is not to look at building location. The second part of this bylaw revision, per Member Graham, was an effort to eliminate wetlands and easements from the 150' building circle, which will bring the bylaw into conformity with how the Building Inspector has been interpreting it for many years.



ZBL 3100 Off-street parking – Member Joseph began the discussion of this proposed ZBL change. She noted that the main intent of the parking bylaw was to bring it up to date, while allowing for reduced parking minimums in the industrial park. Reducing parking requirements in the industrial park will allow buildings to expand their footprints, possibly generating new development and new tax dollars for the Town. Member Joseph also told the Selectmen that another part of the revised parking bylaw would add language about requiring loading zones, as well as adding parking categories for medical offices and auto dealerships.

DISCUSSION: Plowing Plan for New Subdivision Roads

With Highway Department Head Paul Foulsham present, Chairman Graham led the Selectmen through a plan that allows private ways constructed in approved subdivisions to be plowed by the Town in exchange for an agreement to keep the road and the associated drainage system private. Member Graham noted that the genesis for this plan has been the continual submittal of unrealistic drainage operation and maintenance plans on new subdivision proposals. These development proposals on marginal land are being made possible only due to aggressive drainage operation and maintenance requirements that the Town has no ability to satisfy once the street in question is turned over for public acceptance. This reality, according to Member Graham, sets the Town up for downstream financial problems. He noted that the Board's only other alternative is to require proposed drainage systems to depend on the Town's minimal maintenance schedule, rather than the more optimistic plan supported by private ownership, which is what the Planning Board's consulting engineer has been recommending for several years.

In response to questions from Town Administrator Jim Boudreau and Selectman Rick Merritt, Member Markham noted that part of the proposal ties public plowing in with the private maintenance of the drainage system. Member Turner noted that she remains uncomfortable with the idea of tying in plowing with attempting to negotiate a covenant that the road will remain private. Selectman Mauch said that whatever is decided, our goal should be to simply apply these standards evenly. Selectman Mariano replied that he believed the plowing concept to be good, but that it needs to be a bit better defined. Finally, Paul Foulsham weighed in on the topic. Mr. Foulsham said that he was not sure the proposal was plausible at first. However, once he looked at it in greater detail, he felt more comfortable with it. Mr. Foulsham added that the increased cost of the plowing proposal needed to be juxtaposed with the future cost of fixing drainage basins. Mr. Foulsham concluded his remarks by highlighting the fact that the Town is creating drainage infrastructure that it cannot keep up or maintain.

DISCUSSION: Mullin's Rule, Chapter 39 Section 23D

Member Graham offered the Selectmen a brief introduction to Mullin's Rule. At the end of the introduction, Town Administrator Jim Boudreau noted that he had given the Selectmen a brief primer on it. Member Graham replied that the Planning Board does not want to be bound by Mullin's Rule. Thereby, allowing a member to participate in a Public Hearing when they have missed one of the previous meetings. In this scenario, the

member who missed a meeting has to submit a signed affidavit that they reviewed all the relevant materials from the missed meeting. Member Joseph noted that this is an ordinance, not a bylaw and its enactment should be board and commission specific.

Member Graham explained that most towns adopt the provisions of Chapter 39 Section 23D by way of an article passed at Town Meeting, after polling the affected boards and committees to establish which have voted to be bound by the change is state law. The Planning Board has voted to be included in the Selectmen's article, if proposed, or will submit their own article if needed. He also noted that, according to its Chairman, the Conservation Commission has voted to be similarly bound.

Status Report: ZBL Section 1642 revision

Selectman Rick Merritt spearheaded the discussion of the ZBL Section 1642. He noted that the special committee had done a good job and the bylaw is ready for the public hearing process. He further added that he envisioned the Selectmen and the Planning Board jointly sponsoring it. He also noted that the draft in its current version allowed the Building Inspector to streamline the variance process and reduce the caseload of the Zoning Board of Appeals. Upon a question raised by Member Graham, Selectmen Merritt added that he thought it would be prudent for the committee to reconvene over the recently raised height issue. It was decided that this last meeting should be held as quickly as possible.

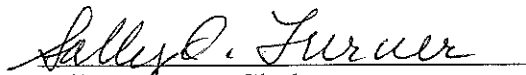
DISCUSSION: Other zoning issues, including wind towers and height limitations on commercial buildings.

Member Graham briefly informed the Selectman that potential zoning updates on wind towers and increasing height limitations on commercial buildings should wait until the 2008 ATM.

ADJOURNMENT.

At 7:35 P.M. a decision that the Planning Board should adjourn to its office was recorded.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on January 24, 2007.


Sally I. Turner, Clerk

