

MAR 13 2008

TOWN CLERK
JANICE M. LAWSON

Norwell Planning Board Meeting Minutes
February 27, 2008

The meeting was called to order at approximately 7:08 P.M. Present were Board Members Bruce W. Graham, Karen A. Joseph, Sally Turner, Michael J. Tobin, Charles Markham and Town Planner Todd Thomas.

DISCUSSION: Draft Agenda.

Member Joseph added an update on Capital Budget. Member Turner added an update on the Pathway Committee. Member Turner moved and Member Joseph seconded that the Board accept the amended agenda as presented. The motion was approved 5-0.

DISCUSSION: February 13, 2008 Meeting Minutes.

Member Joseph moved and Member Turner seconded the motion to accept the February 13th, 2008 meeting minutes as presented. The motion was approved 5-0.

DISCUSSION: Neil Farmer for Affordable Housing Partnership.

Neil Farmer, the Planning Board's representative to the Affordable Housing Partnership, appeared before the Board to talk about potential affordable housing sites in Norwell. He spoke about a Town owned 27-acre tract of land adjacent to the Water Department Treatment Plant on South Street. He said that the Water Department had no issues with the proposed development of this parcel and that development could be done under the LIP process. He added that he envisioned the size of any development on this parcel to be about six rental units per acre, which is similar to the neighboring Silverbrook site. Mr. Farmer added that the site had good soil and no wetlands.

Mr. Farmer spoke about the proposed LIP on South Street. He said he thought that the proposed design may not be enough of a luxury project for Norwell. He said that all the parking should be garaged and he was not sure that the proponent had ever developed the kind of luxury housing that Norwell deserves. He added that extensive traffic mitigation would be needed for either South Street site, including the widening of the Mill Street Bridge. He said that the Affordable Housing Partnership would like to proceed as far as possible with the Corcoran proposal under the LIP process. Member Joseph asked if the developer would agree to file with MEPA early on in the process so the full scope of the environmental issues would be known. Mr. Farmer responded that the Town retains control under the LIP process and that the initial agreement only means that the developer can proceed with the project if all of the environmental and traffic considerations are satisfied.

Mr. Farmer discussed a nine duplex rental proposal on a 15.06-acre site on Prospect Street. He said that the site had wetland issues that would need to be addressed. He said that the Affordable Housing Partnership had studied affordable housing sites in Town and that this site and the South Street site were the only readily identifiable sites. He added that it was not possible to locate rental housing on small sites throughout Town and make a difference in the 10% affordable mandate. He added that the Town needs approximately 240 units of affordable housing to reach the 10% threshold.

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Present for the meeting were applicants George & Marion Bauer, as well as Professional Land Surveyor William McGovern. The Town Planner introduced the ANR Plan of Land in Norwell, Ma. Showing a Redivision of Property Line Between Parcels 46-63 & 46-27 16 Samuel Woodworth Road & 180 Central Street Drawn for: George K. Bauer, Jr. scale 1"=50' February 15, 2008. He said that the plan was largely compliant with the Planning Board's Rules and Regulations, but the Central Street lot should be pointed out to the Building Inspector as being pre-existing non-conforming. Member Graham agreed that the plan was largely compliant, but noted that the Central Street lot lacked the minimum frontage per §2431 of Norwell's zoning bylaw. He said that under MGL c. 41, §81L, the Planning Board should not endorse the plan because the Central Street lot did not meet the minimum frontage requirement. Member Graham referenced Seguin v. Planning Board of Upton and said, that after receiving a written request, the Board could vote to grant a frontage waiver under MGL c. 41, §81R. He added that a public hearing would be required.

Town Counsel Galvin entered the room and looked at the specifics of the plan. He informed the board that the applicant should get a finding from the Board of Appeals so as to avoid infectious invalidity for the newly created lots. Town Counsel said that all lots must meet the minimum frontage requirement and advised the Board to deny the plan and offer a clear path to reapply. PLS McGovern asked that application fee be waived when a revised plan is submitted. Marion Bauer asked about adding the §81R language to the plan in front of the Board. Town Counsel said that the applicant could decide if they wanted to pursue this course of action, but that an abutter could appeal the endorsement based on the lack of notice. The applicants decided to resubmit the plan and schedule the public hearing. It was decided that the Town Planner would work with Town Counsel about the language for the public hearing notice and the Town Planner would schedule the public hearing as soon as possible after the revised plan was submitted.

Upon a motion made by Member Tobin and seconded by Member Markham, it was decided that the ANR "ANR Plan of Land in Norwell, Ma. Showing a Redivision of Property Line Between Parcels 46-63 & 46-27 16 Samuel Woodworth Road & 180 Central Street Drawn for: George K. Bauer, Jr. scale 1"=50' February 15, 2008", prepared by Professional Land Surveyor William Joseph McGovern of Stenbeck & Taylor, Inc., Marshfield, MA was not substantially compliant with the Board's regulations because it lacked the minimum frontage required by §2431 of Norwell's zoning bylaw. A 5-0 vote affirmed the motion. Member Joseph moved and Member Markham seconded that the Board **DENY** the ANR Plan. The motion was approved by a vote of 5-0. Member Joseph moved and Member Turner seconded that the Board waive the application fee for the revised ANR Plan. The motion was approved by a vote of 5-0.

DISCUSSION: Edgewood & Hawthorne – Street Acceptance Update.

The Town Planner provided the Board with Street Acceptance updates for both Edgewood and Hawthorne. He said that Edgewood Park was still waiting for as-built and punchlist updates from Technical Consultant Chessia. He said that Hawthorne Lane was

proceeding well and that the Special Amendment to the Homeowners Association was recently executed. He asked the Board to vote to release lots 17 & 19 from the subdivision covenant, instructing him to hold it in escrow until the release can be recorded simultaneously with the deed of lot 19 to the Town. Member Joseph moved and Member Turner seconded that the Board sign and release lots 17 & 19 from the subdivision covenant, provided that the Town Planner held the release in escrow. The motion was approved by a vote of 5-0.

DISCUSSION: Laurelwood Drainage Calculations Update.

The Town Planner informed the Board that Marie Nyhan cancelled her appearance before the Planning Board because she was only days away from submitting a modified subdivision plan to address the drainage issues. Member Joseph said that she would like to keep Simeone's feet to the fire so they complete the subdivision before they miss another construction season.

DISCUSSION: Scenic Road Bylaw Final Review & Vote.

The Town Planner instructed the Board that the Scenic Road Bylaw was revised per Town Counsel's comments. He walked the Board through the changes resulting from Town Counsel's Review. The Board saw no reason to exempt the Highway Department from the bylaw, as suggested by Town Counsel. The Board also wanted to change the definition of abutter. It was also decided that the bylaw should be amended so that anyone who lives on a street pending scenic road designation is notified of the public hearing. Member Graham and Member Turner agreed that anyone with frontage on such a street should be notified. Member Markham questioned the revised provision for fines. The Town Planner was instructed to ask Town Counsel if the Board has the ability to negotiate and waive fines with the bylaw in its current form. A question was raised if the Board needed to specifically allow itself the option to give warnings without such permission being specifically included in the bylaw. Member Tobin questioned if the bylaw should allow more than one curb cut per driveway. He decided that no change was needed, as the bylaw allowed the Board the ability to waive the requirement.

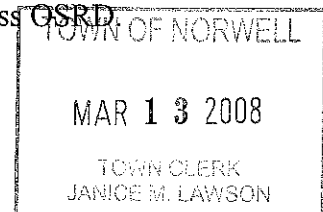
DISCUSSION: Planning Board Power to Appoint Committees.

The Town Planner related to the Board that Town Counsel and the Town Administrator recently advised him not to move forward with planned article for the Warrant to give the Planning Board the power to appoint committees. Member Joseph said that she was not sure this was a fight worth having with the Selectmen. Member Graham agreed, citing that the Board got what it wanted with the appointment of the Pathway Committee. Member Markham said that he would like to hear and consider the Advisory Board's feedback on the article before considering pulling it. The Board decided to leave article in place at this time.

DISCUSSION: Open Space Residential Design Bylaw.

The Board decided to wait until the upcoming Saturday meeting to discuss

DISCUSSION: Capital Budget Update.



Member Joseph provided the Board an update on the Capital Budget process. She said that capital funding requests were yet to be prioritized. She said that any feedback was welcome before the estimated \$400,000 of capital funding was prioritized on March 17th.

DISCUSSION: Pathway Committee Update.

Member Turner provided the Board with an update on the Pathway Committee. She described its recent organization, as well as plans to look at the Master Plan maps and the redesign of Route 123. She added that the common goal seemed to be the creation of a pathway network that could be accomplished in small segments.

ADJOURNMENT.

At 10:25 P.M. Member Markham moved and Member Joseph 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 March 12, 2008.


Sally I. Turner, Clerk

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