

**Norwell Planning Board Meeting Minutes  
February 25, 2009**

The meeting was called to order at approximately 7:00 P.M. Present were Board Members Karen A. Joseph, Sally I. Turner, Kevin P. Jones and Town Planner Todd Thomas. Members Michael J. Tobin and Charles Markham arrived late to the meeting. Peggy Etzel, a resident running for Member Markham's open Planning Board seat in the upcoming March election, was also present for the meeting.

**DISCUSSION: Draft Agenda**

The Town Planner requested that the Board add discussions on the John Neil Drive Extension mylars and endorsement, the town hall clerical union meeting, the Stetson Ford House and the Warrant articles to the agenda. Member Turner moved that the Board accept the amended agenda as presented. The motion was approved by a vote of 3-0.

**DISCUSSION: February 11, 2009 Meeting Minutes**

Member Jones moved to accept the January 28, 2009 meeting minutes as presented. The motion was approved by a vote of 3-0.

**DISCUSSION: No Bills**

**DISCUSSION: 180 Central St. / Samuel Woodworth Rd. ANR (Bauer)**

With Member Tobin present, the Board discussed the zoning concerns created via the ANR Plan of Land in Norwell, Ma. Showing a Division of Assessor's Parcel 46-27 180 Central Street Drawn for: George K. Bauer, Jr. Upon a motion made by Member Jones, the Board determined that finding B was satisfied, provided that the applicant fill in the full plan title on the application. A vote of 4-0 affirmed the motion. Upon a motion made by Member Turner, the Board denied the applicant's waiver request for the filing fee. A vote of 4-0 affirmed the motion. Upon a motion made by Member Jones, the Board accepted staff recommendation for findings C through X, and found that these requirements were satisfied. A vote of 4-0 affirmed the motion. Member Jones moved that finding A was substantially compliant and that the plan should be endorsed. A vote of 3-0-1 affirmed the motion, with Member Turner abstaining. Member Jones moved to endorse the plan, with the endorsed plan being held in escrow until the additional language is added to the application. A vote of 4-0 affirmed the motion.

**DISCUSSION: Vote to Accept ANR for 16 Samuel Woodworth Road**

Upon a motion made by Member Jones, the Board accepted the February 17, 2009 ANR Plan of Land in Norwell, MA. Showing a Redivision of Property Lines Between Parcel A (Formerly a Portion of Parcel 46-63) and Parcel B (Formerly a Portion of Parcel 46-27) Samuel Woodworth Road as submitted on February 25, 2009. A vote of 4-0 affirmed the motion. The Board discussed the plan and spoke about potential zoning issues. The Board asked the Town Planner to prepare a letter for the next meeting, addressed to the Building Inspector, that chronicled the potential zoning issues with the plan, in addition to the draft Certificate of Vote. The Board also asked the Town Planner to determine if the newly created Parcels A & B need to be recorded before the Board could endorse the

new two-lot plan. Developer Steve Bjorkland, who was present for the discussion, said that the three plans that created these parcels would be recorded simultaneously. He added that he was not trying to hide the fact that two lots were being created as a result of the recent ANR filings, and he realized that he would need a Section 6 finding from the Board of Appeals, determining that the nonconformity of the existing lot at 180 Central Street was not being increased.

**DISCUSSION: Right-to-Farm Bylaw (Vin Bucca)**

With Steve Bjorkland and resident Vin Bucca in attendance, the Town Planner introduced the Right to Farm bylaw that was in the Warrant via citizens' petition. Mr. Bucca said that the objective of the bylaw is to protect farms and farmers from nuisance lawsuits. In answering a question about the scope of the bylaw, Mr. Bucca said that the bylaw does not exempt farmers from wetland bylaws. Mr. Bucca added that the bylaw was part of the State's Smart Growth Initiative and that the bylaw submitted was almost exactly the same as the Attorney General's model Right to Farm bylaw. Upon a question from Member Jones, Mr. Bucca listed a few of the differences between the proposed bylaw and the Attorney General's model bylaw. The Board suggested a few language changes to the bylaw that Mr. Bucca appeared reluctant to make. The Town Planner was instructed to review the Duxbury & Marshfield Right to Farm bylaw, as well as the Attorney General's model bylaw. He responded that he would review these bylaws in conjunction with the submitted bylaw and report the differences found to the Board.

**DISCUSSION: Simon Hill Planning Board Comment Letter**

The Board discussed the new Simon Hill Village 40B plans. Member Joseph said that she wanted to note instances where the developer had violated the 50-foot wetland buffer. She also observed that there was no grading given around the proposed buildings, which leads her to question the true impacts of the development, and if the plan is constructible. She added that wall heights were not given and the abutting roadway grading was missing. Member Joseph also questioned the traffic counts used in the traffic report.

The Town Planner said that he would work on the draft comment letter for the March 11<sup>th</sup> meeting. He was instructed to send a memo to the Board of Appeals to inform them that the Planning Board would provide comments on the new plans.

**DISCUSSION: Burns Lane / Satuit Meadow Letter**

With Member Markham joining the meeting, the Board discussed the letter received from James Ward of 71 Satuit Meadow Lane, regarding the Burns Lane utility easement at the Satuit Meadow Lane cul-de-sac. The Town Planner offered a draft response to Mr. Ward's letter. The Board discussed the response letter, and upon a motion made by Member Turner, approved it for Member Joseph's signature. The motion was approved by a vote of 4-0.

**DISCUSSION: Ladder Test for Building Height in Business**

The Town Planner spoke about Fire Chief Andy Reardon's weekend schedule. The Board decided to schedule the ladder test on Saturday March 14<sup>th</sup> at 9:00 A.M. The Town Planner said that he would draft an itinerary for the day and clear it with Sergeant

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Simpson prior to test day. Peggy Etzel suggested adding additional viewing spots on High Street, including the Cole School.

**DISCUSSION: Affordable Housing Trust (AHT) Appointment**

Member Markham said that the Affordable Housing Trust, by its constitution, required that a member of the Planning Board be represented thereon. He added that the Board would need to appoint a new representative to the AHT when his appointment expired in June. The AHT, according to Member Markham, meets as necessary, and the meetings are infrequent.

**DISCUSSION: John Neil Drive Extension Mylars and Endorsement**

The Town Planner noted the recent mylar review completed by Technical Consultant John Chessia. He said that the mylars were not complete, as various legal documents need to be completed before the mylars are printed. The Town Planner added that the applicant's attorney, Marlin Hawthorne, had not completed any of the legal work. The Board instructed the Town Planner to send a letter to the applicant, Lynn Bowman, notifying her of the endorsement deadline. The letter was to cite that the Board was awaiting the conditional submittals, and her attorney was to be cc'ed thereon.

**DISCUSSION: Town Hall Clerical Union Update**

The Town Planner updated the Board on the union negotiations regarding a potential wage freeze. The Board agreed to send Member Jones' letter asking that the Selectmen consider alternative plans, such as a thirty-five hour work week.

**DISCUSSION: Stetson Ford House ANR Information Request**

The Board considered Alison Demong's request that the Town Planner proffer an opinion about the ANR potential of the Stetson Meadows site. The Board discussed the request and directed the Town Planner to offer Ms. Demong the Board's recent meeting minutes on the topic, as well as the relevant case law. The Town Planner agreed to pass along these documents under cover of a memo stating that an opinion cannot be given at this time because the plan is not properly in front of the Board.

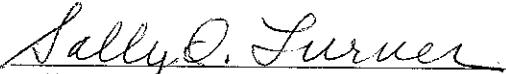
**DISCUSSION: Warrant Articles**

The Board reviewed the preliminary list of Warrant articles for Town Meeting. The Town Planner was asked to follow up with the Water Commissioners about the proposed update to the Aquifer Protection District map and with the Highway Department's funding request for catch basin cleaning.

**ADJOURNMENT**

At 9:45 P.M., Member Jones moved 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 11, 2009.

  
Sally I. Turner, Clerk