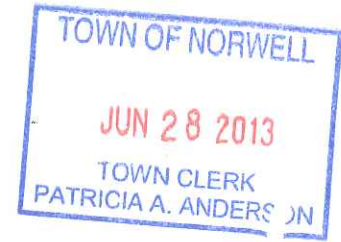


PLANNING BOARD
TOWN OF NORWELL

Post Office Box 295
Norwell, Massachusetts 02061
(781) 659-8021



Norwell Planning Board Meeting Minutes
May 1, 2013

The meeting was called to order at approximately 7:00 p.m. Present were Board Members Margaret Etzel, Ken Cadman, Sally Turner, Kevin Cafferty and Kevin Jones. The meeting was held in the Planning Office.

Draft Agenda

Member Jones moved that the Board approve the draft agenda. The motion was approved by a vote of 5-0.

Bills

Chris DiIorio Reimbursement: 267.77

Member Cafferty moved that the Board approve the town planner reimbursement. The motion was approved by a vote of 5-0.

435 Washington Street Review Fee:

Member Cafferty moved that the Board approve the return of the remaining review fee for the site plan review. The motion was approved by a vote of 5-0.

Bay Path Lane OSRD

Town Counsel, Bob Galvin, appeared before the Board and gave the Board his opinion that waivers from the Planning Board Rules and Regulations were a function of the subdivision control law and could only take place during the definitive subdivision review process. As the OSRD review is a Special Permit review under the zoning by-law, any variation from the requirements that the Planning Board was not specifically granted the ability to waive, would need to be addressed by the Zoning Board of Appeals as a variance. Waivers to zoning by-laws do not exist.

The applicant was given the opportunity to withdraw the application without prejudice. The applicant stated that they wanted a determination on the application and declined the invitation to withdraw.

Member Cafferty moved that the Board reconsider the waivers that were voted at the 4/24/13 meeting and consider them as advisory only. The motion was approved by a vote of 5-0.

4850.7. b. 1. The Development Plan achieves greater flexibility and creativity in the design of residential developments than a conventional subdivision.

MOTION: Member Jones moved that the project was compliant with §4850.7.b.1.

VOTE: The motion was seconded and based on a vote of 3-2, the motion failed to carry by the necessary supermajority vote and the motion was accordingly denied.

4850.7. b. 2. The Development Plan promotes permanent preservation of open space, agricultural land, forestry land, and other natural resources including water bodies and wetlands, and historical and archeological resources.

MOTION: Member Jones moved that the project was compliant with §4850.7.b.2.

VOTE: The motion was seconded and approved by a unanimous vote of 5-0.

4850.7. b. 3. The Development Plan promotes a less sprawling and more efficient form of development that consumes less open land and conforms to existing topography and natural features better than a conventional subdivision.

MOTION: Member Jones moved that the project was compliant with §4850.7.b.3.

VOTE: The motion was seconded and based on a vote of 3-1-1, the motion failed to carry by the necessary supermajority vote and the motion was accordingly denied.

4850.7. b. 4. The Development Plan reduces the total amount of disturbance land on the site.

MOTION: Member Jones moved that the project was compliant with §4850.7.b.4.

VOTE: The motion was seconded and approved by a unanimous vote of 5-0.

4850.7. b. 5. The Development Plan furthers the goals and policies of Norwell's Open Space and Master Plan.

MOTION: Member Jones moved that the project was compliant with §4850.7.b.5.

VOTE: The motion was seconded and approved by a unanimous vote of 5-0.

4850.7. b. 6. The Development Plan facilitates the construction and maintenance of streets, utilities and public service in a more economical and efficient manner.

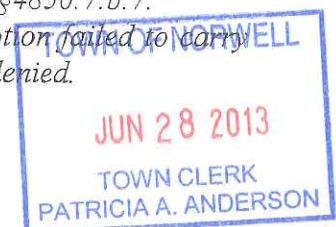
MOTION: Member Cafferty moved that the project was compliant with §4850.7.b.6.

VOTE: The motion was seconded and based on a vote of 3-2, the motion failed to carry by the necessary supermajority vote and the motion was accordingly denied.

4850.7. b. 7. The Development Plan facilitates the construction and maintenance of trails and associated amenities to enhance the pedestrian experience.

MOTION: Member Jones moved that the project was compliant with §4850.7.b.7.

VOTE: The motion was seconded and based on a vote of 3-2, the motion failed to carry by the necessary supermajority vote and the motion was accordingly denied.



4850.7. b. 8. The Development Plan complies with the purpose and intent of this bylaw.

MOTION: Member Jones moved that the project was compliant with §4850.7.b.8.

VOTE: The motion was seconded and based on a vote of 3-2, the motion failed to carry by the necessary supermajority vote and the motion was accordingly denied.

Decision

MOTION: Member Jones moved to approve the OSRD Special Permit.

VOTE: The motion was seconded and based on a vote of 3-2, the motion failed to carry by the necessary supermajority vote and the motion was accordingly denied.

MOTION: Member Turner moved that the decision by the Planning Board be considered without prejudice.

VOTE: The motion was not seconded.

ADJOURNMENT

At 9:30 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 the majority vote by the Planning Board on June 12, 2013.



Ken Cadman, Clerk

