

**Norwell Planning Board Meeting Minutes
April 13, 2005 Regular Session**

The meeting was called to order at 7:00 p.m. Present were Board Members Richard Parnell Barry, James M. Ianiri, Karen A. Joseph and Sally I. Turner and Town Planner Ilana Quirk. Member Bruce W. Graham joined the meeting at 7:04 p.m.

DISCUSSION. Agenda. 7:01 p.m.

Member Ianiri moved and Member Barry seconded that the Board approve the draft agenda. The motion was approved 4-0, with Member Graham absent.

DISCUSSION. Minutes. 7:02 p.m.

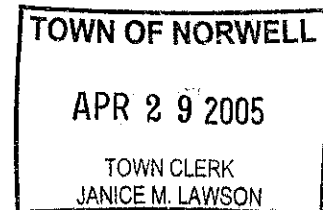
March 30, 2005 Regulation Session Minutes
March 30, 2005 Executive Session Minutes

Member Ianiri moved and Member Barry seconded that the Board vote to accept the March 30, 2005 Regular and Executive Session minutes. The motion was approved 4-0, with Member Graham absent.

DISCUSSION. Bills. 7:03 p.m.

Member Ianiri moved and Member Barry seconded that the Board vote to approve the following bills:

Coler & Colantonio, Inc.	
Barrel Lane:	\$ 229.34
Black Pond:	\$ 369.30
Cedar Point:	\$ 65.00
Holly Berry:	\$ 97.74
John Neil Drive:	\$ 262.30
Joshua's Landing:	\$3,169.81
Turner's Way:	\$ 633.60
Wildcat Hills:	\$ 857.48
Winslow Commons:	\$ 195.24
Planner Reimbursement:	
Calendar	\$ 12.38
Plymouth Registry:	
Record Signatures	\$ 75.00
Postage:	
(7/04 - 2/05)	\$ 130.41
W.B. Mason	
Printer Cartridges	\$ 113.98



The motion was approved 4-0, with Member Ianiri absent.

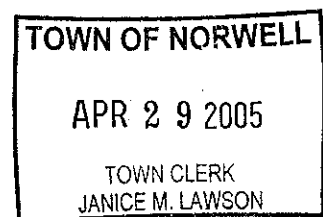
DISCUSSION. Town Meeting Preparations. 7:04 p.m.

The Board discussed the request by the Moderator that a board representative attend the Moderator's meeting on Thursday, May 5, 2005 at 2:30 p.m. Members Graham and Ianiri indicated that they would attend for the Board.

DISCUSSION. Executive Session. Pending Litigation. 7:10 p.m.

Member Ianiri moved and Member Turner seconded that the Board voted to go into executive session for the purpose of discussing strategy relating to pending litigation and then to return to open session. The motion was approved 5-0, pursuant to a roll call vote as follows:

Member Barry: Aye
Member Graham: Aye
Member Ianiri: Aye
Member Joseph: Aye
Member Turner: Aye



The Board returned to open session at 7:25 p.m.

Discussion. Bills. 7:25 p.m.

Member Barry noted that there was a typo in the agenda and that the actual bill for the Registry was \$76.00, not \$75.00 and that the bill for \$32.25 for Weston Reprographics was missing.

Member Ianiri moved and member Barry seconded that the Board voted to approve these two bills. The motion was approved 5-0.

PUBLIC HEARING. Barrel Lane. 7:30 p.m.

All members were present. Engineer John Chessia of Coler & Colantonio was present for the Planning Board. Engineer William Renault of GCG Associates, Inc. and Mr. Donald E. Shute of 41 Fox Hill Lane were present for the Applicant.

Member Barry read the public hearing notice to open the public hearing and announced correspondence and submittals received since the last substantive meeting on January 5, 2005.

Member Graham asked Engineer Renault to respond to the issues raised in the most recent report issued by the Board's engineering consultant, Coler & Colantonio.

Engineer Renault stated that, in response to the Coler & Colantonio report, the drainage basin will be modified from an infiltration basin to a detention basin,

which will shrink the size of the pond; and a new analysis point on Green Street will be used for the drainage calculations. Engineer Renault stated that the plans must be revised, but the drainage system can be designed so that there will be no net increase in the runoff rate and no increase in flooding downstream. He noted that his office will provide sight distance easements and he presented the Board with a traffic study.

Member Graham asked Engineer Chessia to give an overview of the outstanding issues.

Engineer Chessia reviewed the waivers that have been requested and noted that one of the lots does not satisfy ZBL §2423, minimum lot size, due to the drainage basin's size. Engineer Renault responded that the relevant lot line would be adjusted so that the lot would comply.

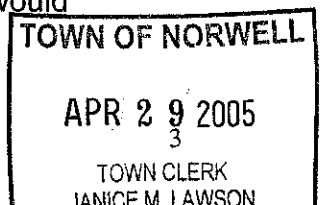
Engineer Chessia noted that the location of the roadway will be within 75 feet of an existing driveway and that a waiver will be required from Regulation §4.23, but one has not been requested as yet. Member Graham asked Engineer Renault if there was another location for the road that would comply with §4.23 and whether the Applicant is considering moving the road location. Engineer Renault responded that the Applicant does not intend to change the road location.

Engineer Chessia noted that the plans have not been prepared in accordance with the National Geodetic Vertical Datum as required. Engineer Renault stated that the plans would be revised to conform to this requirement.

Engineer Chessia noted that the groundwater throughout the site is only 2 feet below the surface. In order to construct the septic systems and satisfy the separation from ground water requirement under Title V and to construct the houses and keep the basements from intercepting groundwater, a great deal of fill will have to be brought to the site. At least two lots are in the water table. Engineer Chessia indicated that the Applicant should provide information regarding how much fill is going to be brought to the site. These issues impact the ultimate grading of the site, which in turn, will impact the drainage system. Also, the issue of the truck traffic involved should be addressed.

Engineer Renault responded that an estimated cut and fill calculation will be developed and provided, but that it will be an estimate, because the exact locations and grading for the individual houses cannot be precisely predicted at this time.

The Board discussed with Engineer Renault and Applicant Shute the potential for the Applicant to develop a Homeowners Association Trust instrument that would allow the Applicant to maintain control over the construction and grading of the lots after they are individually sold. The purpose would be to make sure that no lot owner changes the grading of any individual lot in a way that would



adversely impact the drainage system as designed. In addition, before selling individual lots, the Applicant should consider imposing a requirement on each lot purchaser a specific obligation to control the lot so that no damage to the road occurs. Applicant Shute agreed to consider this idea.

Engineer Chessia noted that the limits of clearing have not been fully provided as required under §4.11.2. This must be provided, so that the drainage calculations can be properly evaluated.

Engineer Chessia noted that the off site drainage analysis should include the 12-inch pipe at Hickory Hill. Engineer Renault responded that his office will address this issue.

Engineer Chessia noted that, if a detention pond design is used, then he believes it is likely that the pond will have to be made larger, not smaller as Engineer Renault stated. He emphasized that spot elevations will have to be strategically provided to make sure that the pitch of the pipes is proper because the low point does not naturally flow to the basin.

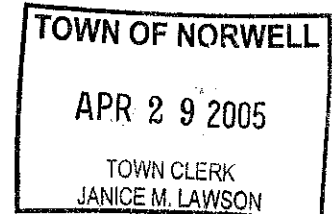
Engineer Chessia noted that the drainage easement has septic system grading in it and this is not allowed.

Engineer Chessia noted that 3 Form A lots that are proposed would result in 3 more curb cuts, in addition to the proposed roadway.

Engineer Chessia reviewed the latest compliance plan proposal. There are five items that indicate that the plan is not feasible. First, two of the lots (Lots 7 and 8) would depend upon a common driveway, which is not allowed under current zoning. Second, the plan does not conform to the 50-foot no touch buffer zone enforced by the Conservation Commission. Third, the drainage looks unrealistic. Fourth, there is a driveway within 75 feet of the roadway, which would require a waiver. Finally, there is insufficient information to say that this design would be feasible.

Member Barry asked about the ownership of Barrel Lane. He asked the Applicant to please address this issue.

Member Ianiri asked the Applicant to address what the public interest would be in granting the requested waivers. Engineer Renault stated that his office will provide a response at the next meeting. Member Ianiri urged the Applicant to take the Coler & Colantonio comments very seriously and address them. In addition, Member Ianiri asked for more schematic detail on the compliance plan and for more detail on the ownership of Barrel Lane. Applicant Shute stated that he owns to the middle of Barrel Lane where his property abuts it.



Member Turner noted her concern about the extent of fill proposed and questioned whether the entire site would be clear-cut. Engineer Renault stated that it would not and there would be areas that would remain forested. Member Turner noted her concern that the treed areas would be subject to flooded as they would be at a low point. Engineer Renault stated that this would not be a problem.

Member Turner noted that she is concerned that the proposed dead-end is twice the usual distance allowed and that she would want to see a fire lane.

Member Joseph noted that she agreed with the Coler & Colantonio comments and that she is concerned that the drainage design does not work. She noted that she would not support the waivers requested for reduced scales and to not show the large trees. Members Graham and Ianiri agreed and noted that neither of these waivers has been allowed by the Board.

An abutter, who did not identify herself, stated that her sump pump runs "24/7" now and she wanted to know if it would get worse. Member Ianiri noted that the Applicant cannot make her situation worse, but the Applicant also is not obligated to fix her situation.

Applicant Shute noted that it is possible that one or more of the lot owners may wish a larger yard or to move the location of the dwelling further toward the wetlands. If that happens, they will have to go to the Conservation Commission for approval.

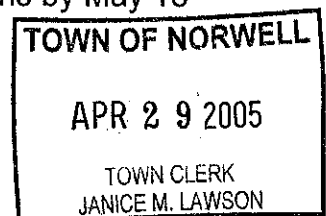
Member Joseph noted if there is more clearing, then that would change the drainage calculations.

Engineer Chessia noted that the estimated house sizes and the driveways shown are reasonable for purposes of the drainage calculations.

Bill Trudeau of 360 Circuit Street stated that he is concerned about drainage and wanted to know what size trees need to be shown. The Board told him that it would carefully review the drainage and the 24-inch trees in the roadway would have to be shown.

Tom Vorderer of 228 River Street noted that his house is located at a low point and he is also concerned about drainage.

Engineer Renault noted that the Applicant wishes time to revise the plans and the Board asked him for a realistic date by which he will be ready to submit the plans. Engineer Renault stated that he would file the revised plans by May 13, 2005.



Applicant Shute asked the Board to extend the deadline for final action on the project from June 10, 2005 to July 8, 2005 and made the request in writing.

Member Ianiri moved and Member Turner seconded that the deadline for final action be extended to July 8, 2005. The motion was approved 5-0.

Member Ianiri moved and Member Barry seconded that the Board vote to continue the public hearing to June 8, 2005 at 7:30 p.m.

DISCUSSION. Indian Trail. 8:40 p.m.

All members were present. Also present were Mr. and Ms. MacInnis and their attorney, Stacey Shunk and their surveyor, Paul Mirabito.

Member Graham noted that the Board has not yet heard from Town Counsel, due to late receipt of materials, regarding Attorney Shunk's memo. The Board had no questions of Attorney Shunk and will wait for input from him.

Member Graham asked if the MacInnises had any other information or material that they wished to have the Board consider. Attorney Shunk and Surveyor Mirabito stated that they had no additional information to submit.

The Board agreed that it would wait for Town Counsel's input and then try to make a decision at the April 27, 2005 meeting and would make a decision by May 14, 2005 at the latest. The MacInnises and Attorney Shunk agreed that this was a reasonable deadline.

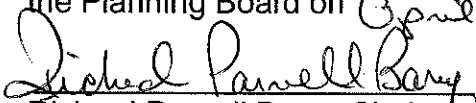
Discussion. Turner's Way Subdivision Modification Deliberations. 8:50 p.m.

The Board discussed the March 30, 2005 draft decision and made amendments to it and deliberated as to the motions proposed in it. The motions and votes taken by the Board are detailed in the Board's final decision, which is attached hereto as Exhibit A.

Discussion. Adjournment. 9:55 p.m.

At 9:55 p.m., Member Joseph moved and Member Ianiri seconded that the Board voted to adjourn. The motion was approved 5-0.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on April 27, 2005.


Richard Parnell Barry, Clerk

