

Norwell Planning Board Meeting Minutes
December 21, 2005 Meeting

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

DISCUSSION. Draft Agenda. 7:06 p.m.

Member Ianiri moved and Member Barry seconded that the Board approve the draft agenda as amended. The motion was approved 5-0.

DISCUSSION. Minutes. 7:06 p.m.

December 7, 2005 Minutes.

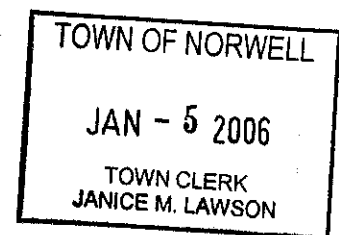
Member Ianiri moved and Member Barry seconded that the Board vote to approve the December 7, 2005 minutes. The motion was approved 5-0.

DISCUSSION. Bills. 7:06 p.m.

Member Ianiri moved and Member Turner seconded that the Board vote to authorize payment of the following bills:

Corporate Express: (Telephone Stand)	\$ 12.92
Coler & Colantonio:	
Barrel Lane:	\$1,278.93
Cowings Lane:	\$3,386.64
Forest Ridge:	\$1,160.23
Holly Berry Trail:	\$ 551.32
Laurelwood:	\$ 557.24
Longwater Drive (Lot 54):	\$1,312.50
29 Tara Drive:	\$ 250.00
Trunnel Estates:	\$ 635.48
Winslow Commons:	\$ 564.50
Donovan Hatem Refund:	\$ 130.78

The motion was approved 5-0.



DISCUSSION. ANR Plan for 533 Grove Street. 7:10 p.m.

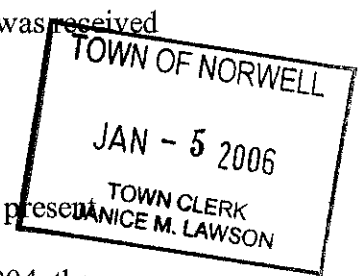
The Board noted that a new ANR plan was delivered to the Planning Office on December 20, 2005 for 533 Grove Street.

Member Ianiri moved and Member Joseph seconded that the Board vote to accept the submission of an ANR Plan entitled "Plan of Land Being a Subdivision of Lots 3&4 As Shown on Plan 39051-B Grove Street/Norwell, MA," dated December 19, 2005, prepared by Cavanaro Consulting of 687 Main Street/P.O. Box 5175, Norwell, MA 02061 and signed and stamped by PE John C. Cavanaro and PLS Lloyd J. Lowell for Robert L. Cashin, Trustee of the Cashin Family Property Trust-I. The motion was approved 5-0.

The Board deferred action on the ANR Plan to January 4, 2006, as the plan was received too late for the members to review it in time for the meeting.

DISCUSSION. Brattle Street. Surety Return Request.

All members, P.E. John Chessia and Mr. Jeff and Ms. Christie Collins were present.



The Board reviewed the history of surety for the project. On February 23, 2004, the Board voted to require the developer to post \$100,000 in surety to obtain releases of additional lots. The binder coat was laid during the Fall of 2003; however, no credit was given for the binder coat work as the developer did not request and obtain an inspection of the paving work and the work occurred during a rain event.

The Board reviewed C&C's most recent surety report, which would not warrant a return of any surety, unless some credit for the paving work were given. The Board discussed the options of dealing with the lack of inspection.

Engineer Chessia described the Board's potential options as follows:

- 1) Require the pavement to be ripped up and installed again.
- 2) Require the developer to post a 20-year bond to guarantee the pavement.
- 3) Require the developer to put down a tack coat and then install an additional inch of "Baby Binder," which is a type of pavement that uses stone that is between 3/8ths of an inch and 3/4ths of an inch and is mid-way between a binder coat and a top coat. So, the Baby Binder adds strength, unlike the top course
- 4) Require no penalty.

The Board discussed the options and determined that it did not want to require the developer to rip up the pavement and install it again and did not want to require no penalty. The Board offered a choice to the developer of the Baby Binder option or the bond option. Mr. Collins decided that the Baby Binder was the better choice.

Mr. Collins noted that he wanted credit for loam and seeding. Engineer Chessia noted that he does not give credit for that work until all of the lots are built, because the seeding on the shoulders likely will be damaged or destroyed during home construction. Mr. Collins asked for credit for cleaning out the drainage structures. Engineer Chessia noted that the structures have to be cleaned out periodically and then there must be a final clean out before acceptance of the as-builts. The cost of the drainage clean outs is carried until the as-built plans are accepted.

The Board and Mr. Collins agreed that the Baby Binder approach was best and that the Board would wait for a final reduction number from Engineer Chessia before voting a reduction.

PUBLIC HEARING. Winslow Commons. 7:30 p.m.

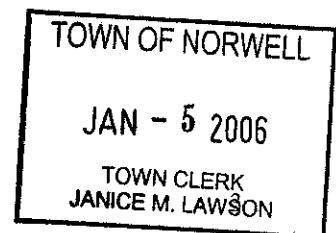
All members were present. Engineer John Chessia was present to assist the Planning Board. Applicant Donald E. Shute was present, together with Engineer Michael Carter of GCG Associates.

The Clerk read the public hearing notice to open the public hearing.

Chairman Graham introduced himself and the Board members and explained the requirements for reviewing a subdivision project under the Subdivision Control Law and emphasized that, if a project satisfies the requirements of the Board's regulations, then the project is entitled to approval as a matter of law. He explained the procedure for an applicant to request and the Board to grant a waiver of the Board's regulations. He explained the public hearing procedure that will be used and that first the applicant will make a presentation, then the Board's engineer will present his report, and then the members will be allowed to ask questions and then the public will be allowed to make comments and ask questions. He explained that all questions and comments must be made through the chairman.

The Clerk announced all of the documents and materials submitted to support the application.

Engineer Carter made a presentation. He noted that the property consists of approximately 18.2 acres and is vacant, except for an existing dwelling at 200 Tiffany Rod, which is proposed to be razed. A total of 9 new homes are proposed, and would be supported by a closed drainage system with two drainage basins and a small stormwater treatment device. He is in receipt of Engineer Chessia's technical report and realized that he will have to reevaluate the drainage. He noted that a waiver of the dead-end street length is requested and stated that the justification for the waiver is that the applicant would allow the Town to connect a water main through the project, which would allow the Town to avoid 1400 linear feet of water main, if it had to make the connection in a different location. He noted the location of the proposed water main.



Member Joseph asked why the proposed water main connection has been designed to go through the Route 3 Buffer, since that is a clear zoning violation. Engineer Carter stated that the location in the Route 3 Buffer is proposed because there has already been clearing in that area, so it makes sense to put it there. Member Joseph asked Engineer Carter to show where the clearing is on the existing conditions plan. Engineer Carter responded that the clearing is not shown, but that he will add that information to the plan.

Member Barry stated that he would not vote to grant a waiver to allow a roadway and a water main in the no touch Route 3 Buffer and the fact that there was a violation that already occurred was not a reason to continue the violation. If there was a violation, then it should be fixed by replanting the area and the proposed location of the water main and roadway should be moved.

Engineer Chessia provided an overview of his technical report. This is not an easy site. Some of the major issues are sight distance problems, the wall waivers that are requested and overall drainage concerns. He emphasized that the required on the ground survey information must be provided.

Member Turner noted her dismay that the Town paid value for the existing water main easement and now has determined that it does not want to use it. She noted that the offer by the Applicant does not seem to her to be the type of benefit that would justify the requested waivers.

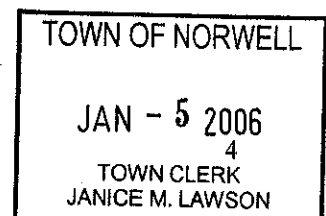
Member Turner noted that she is alarmed that work occurred in the Route 3 Buffer Zone without the required variance. It shouldn't have happened. The area in question should be restored.

Member Ianiri noted that he could not act to grant any waivers as yet, there is not sufficient justification for any. This is a problem site and a lot of improvement in the plans would be required for them to be approved.

Member Graham noted that he thought that the plan was 'dead on arrival,' until he saw the Water Superintendent's letter of this afternoon. With that new information, there may be a justification for the roadway length waiver; however, the water main benefit would not justify any waiver relating to drainage requirements. Furthermore, there are so many waivers required here that it would seem that the plan is fundamentally flawed.

Member Graham noted that he certainly would not be inclined to grant the wall specification waiver for the drainage basins, especially against the specific advice of the Board's engineering consultant.

Member Graham noted that the project appears problematic. He noted that he does not want to waste the Board's and the public's time by going through repeated iterations of the public hearing in order for the Board to review multiple revisions to the plans. This represents a huge expense for the developer as well. He asked for the Board members to express their views.



Member Joseph stated that she is concerned about zoning, sight distances, drainage and that there is a complete lack of attention to detail. The plan sets forth inaccurate information as to soils, drainage divides, numbering, symbols, contours, test pits, test pit logs and radii. She expressed concern about water quality impacts and whether the project is something that could actually be constructed. She expressed doubts about whether Lot 7 could have a dwelling constructed on it.

Member Joseph noted that the construction plan is missing. The Brace Silt Fence reference is not explained.

Member Joseph noted that drainage is a huge concern and the construction plan will be critical to determining whether the plan can work.

Member Graham noted that the waivers requested must be supported with the written rationale for them and then fully presented during the public hearing. Just wanting another lot is not a justification for a waiver.

Member Barry noted that, if the link for the water main were provided, then the area residents would not benefit. Engineer Carter agreed that this result might occur, as they would still have a dead water main. Member Barry stated that he shares the Highway Surveyor's concerns about a potential increase in runoff to Tiffany Road. He noted again that he would not be inclined to waive zoning compliance to allow the Route 3 Buffer violation.

Member Turner noted that she would like the developer to explore whether the historic house that is proposed to be razed could be moved and saved.

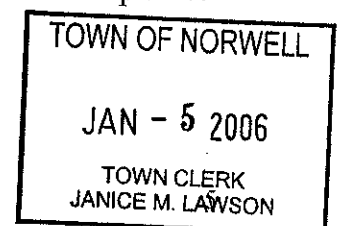
Member Barry asked whether the application issues were resolved and was assured that they were.

Public Comment.

Ms. Patterson of 178 Tiffany Road asked whether the road would be public or private. Mr. Shute responded that the road would be offered for acceptance as a public way. Ms. Patterson stated her opinion that the cost of taking care of the road would outweigh the benefits of the water main, especially since the developer is seeking waivers to reduce the required road width specifications and since it would be so long and on a steep hill.

Mr. Michael Hnatkovich of 190 Tiffany Road noted that he does not want the developer to intrude on his land in any respect. Member Graham noted that that would be a private matter, if there were a problem, and that orange fencing might be helpful.

Mr. Hnatkovich asked about siltation and salt contamination. Member Graham explained that it all must be captured and then cleaned up.



Mr. Michael McDonald of 184 Tiffany Road stated that his sump pump "runs 24/7 now" and expressed concern that it would get worse. Member Graham explained that the developer must not exceed the existing runoff when the project is finished. The developer does not have to improve things, but he can't make it worse.

Mr. McDonald stated that he hears chain saws and wanted to know what was going on. Mr. Shute said that he has not authorized any such activity, so it isn't him. A neighbor indicated that it was him and that it was on his property and he doesn't need any permission.

Attorney Walter Sullivan, Sr. noted that he is representing a number of abutters that they have hired PE James DeVellis to review the drainage concerns and provide his opinion.

Member Joseph noted that the abutters' report must be timely received.

Mr. Shute invited PE DeVellis to participate in the wetland flagging process. Arrangements will be made by Engineer Carter to get the plans to PE DeVellis.

Mr. Joe Carty of 253 River Street noted his opposition to razing the historic dwelling.

Engineer DeVellis noted that he will be reviewing the drainage, but he has explained to his clients that if the drainage works and the requirements of the regulations are satisfied, then the development will go forward. His job is to help make sure that the drainage is proper and that best management practices are employed. He noted that this is a difficult site. He is familiar with Engineer Chessia's work and knows that he is thorough.

Mr. Shute noted that it is in his interest to make sure that the drainage works and that everyone is working toward that goal.

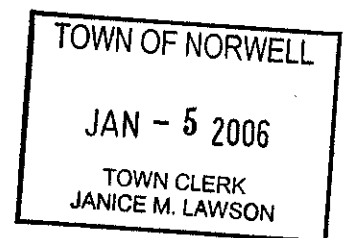
Member Graham noted that the Board must decide whether it is willing to continue the public hearing or close it and deliberate toward a decision.

Member Turner stated that there is a long list of problems that need to be resolved, but she is willing to give at least one opportunity to the developer to respond.

Member Graham stated that the submission is sloppy, the one-year storm event is missing. Why should the Board continue to allow it to go forward.

Member Turner stated that she felt it would be arbitrary to close now.

Member Ianiri noted that he was not willing to allow many continuances, but was willing to vote to give one continuance, with the caution that this project has major, major problems.



Member Joseph asked the applicant whether he wished a continuance. Mr. Shute responded that he did wish one and is willing to make the gift of the easement to the Water Department that would save the Town \$500,000.

Member Joseph stated that she would reluctantly grant one continuation of the public hearing.

Member Barry stated that the water main contribution is nice, but the main could be accomplished another way and he wants to close the public hearing tonight. And, again, he emphasized that the Route 3 Buffer should not be violated.

Member Graham noted that the contribution of the water main is an important consideration and he would be willing to continue the hearing once.

Member Barry moved that the public hearing be closed and Member Ianiri seconded the motion. The motion failed, 1-4, with Member Barry voting in favor and the remaining members voting against.

Member Ianiri moved and Member Turner seconded that the Board agree to continue the public hearing. The motion was approved 4-1, with Member Barry dissenting.

The Board discussed the length of the continuance and noted that the next public hearing should be the last one and that the engineers should go back and forth at least twice and that all details that are inaccurate shall be addressed and that the proper copies of plans and submittals and reports shall be made a part of the public record immediately, so that the Board and the public are fully informed of what is being exchanged between the engineers and Engineer DeVellis will be part of the process and shall provide his reports in advance was required.

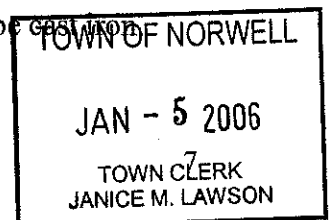
Member Graham moved and Member Ianiri seconded that the Board approve Applicant Don Shute's request for an extension in the deadline for final action to May 26, 2006. The motion was approved 5-0.

Member Joseph moved and Member Ianiri seconded that the Board vote to continue the public hearing to April 26, 2006 at 7:30 p.m. The motion was approved 5-0.

DISCUSSION. Site Plan for Lot 54 Longwater Drive.

All members were present. Engineer Chi Man and owners Michael Richard and John Barry were present also.

Engineer Man made a presentation. Engineer Chessia reviewed his report and noted that there are two drainage issues that have to be dealt with and there is an issue with a drain pipe under the building. The Board expressed concern about the drain under the building and the need for inspections to avoid cross connections. Engineer Man stated he has the drainage calculations, which should alleviate the concerns. The pipe will be replaced.



Member Joseph asked about truck traffic and Mr. Richard stated that the traffic would be limited to box trucks. She asked that the scale on the plant list match the utility plan. She asked that a Landscape Architect stamp the plans. She questioned why thorny trees are being used. She questioned whether the buffers were adequate.

Mr. Barry stated that he is meeting with the abutter to discuss the buffer and will do what the abutter wants, a fence or screening.

Member Joseph stated that she wants the rear buffer to be increased. Member Barry noted that street trees are required, but are not shown on the plan. Member Joseph agreed that street trees are required and should be installed. Member Ianiri agreed that more trees are required.

Member Turner noted that the spacing of the white pine trees around the dumpster is too close. The applicant agreed to move the white pines to the back buffer to increase is and to place shrubs around the dumpster and to use a fence.

Member Joseph wanted to have Engineer Chessia's report before acting on the draft recommendation and she wants street trees.

Member Barry asked Engineer Chi to identify the 40-foot easement mentioned in the deed and put it on the plan.

Engineer Chi stated that he had the drainage information to give to Engineer Chessia, who will not be able to review them by January 4th.

The Board agreed that the applicant shall provide a revised landscape plan by 1/4/06 and that the Board will have Engineer's updated drainage report before 1/18/06 and that the Board will try to give its recommendation to the Board of Appeals on 1/18/06.

DISCUSSION. Membership. 10:00 p.m.


The Board noted, with regret, that Member Ianiri has decided not to run for reelection. A press release will go out to the Mariner and Ledger to announce that fact.

DISCUSSION. Adjournment. 10:10 p.m.

At approximately 10:10 p.m., Member Joseph moved and Member Ianiri seconded that the Board vote to adjourn. The motion was approved 5-0.

I certify that the above minutes were approved by majority vote by the Planning Board on

January 4, 2006.


Richard Parnell Barry, Clerk

