

Norwell Planning Board Meeting Minutes
December 7, 2005 Meeting

The meeting was called to order at 7:00 p.m. Present were Board Members Richard Parnell Barry, Bruce W. Graham, James M. Ianiri and Karen A. Joseph and Planner Ilana Quirk. Member Sally I. Turner joined the meeting at 7:05 p.m.

DISCUSSION. Draft Agenda. 7:00 p.m.

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

DISCUSSION. Minutes. 7:00 p.m.

November 21, 2005 Minutes.

Member Ianiri moved and Member Barry seconded that the Board vote to approve the November 21, 2005 minutes. The motion was approved 4-0, with Member Turner absent.

DISCUSSION. Bills. 7:04 p.m.

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

Planner Reimbursement (Phone Battery)	\$ 3.99
Corporate Express: (Office Supplies)	\$ 14.69
Corporate Express: (Office Phone)	\$ 44.96

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

DISCUSSION. FY '07 Budget. 7:05 p.m.

The Board discussed the draft budget prepared by the Planner. It proposes a \$508 reduction in the overall budget and keeps \$1500 of the extra \$2,000 in engineering services added last year and then moves the remaining funds to the various line items where the money will most likely be necessary.

Chairman Graham noted that he has discussed the accounting change of moving the cost of the half-time clerical position from the Selectmen's budget to the Planning Board

budget, so that the budget is more accurate. The Selectmen had no objection to this idea. Hopefully, this change will create greater accountability and control over the line item.

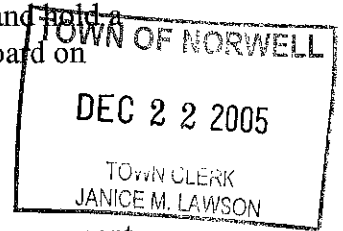
Member Ianiri moved and Member Barry seconded that the Board approve the draft budget as proposed. The motion was approved 5-0.

DISCUSSION. Stormwater By-laws. 7:20 p.m.

Chairman Graham gave an update on his November 16, 2005 meeting with the Board of Selectmen to discuss the stormwater proposals forwarded to the Selectmen by the Planning Board. The meeting went well and the Selectmen, at their next meeting, appointed a subcommittee to move the municipal stormwater drainage by-law along.

The Board discussed the timing of presenting the stormwater by-laws that the Planning Board has drafted at a public meeting, so that the by-laws can be presented for action at Town Meeting. The municipal system by-law will be left to the Selectmen to propose.

Member Ianiri moved and Member Barry seconded that the Board advertise and hold a public hearing on the stormwater by-laws to be sponsored by the Planning Board on January 18, 2005 at 7:30 p.m. The motion was approved 5-0.



DISCUSSION. Cordwainer Drive. 7:20 p.m.

The Board discussed the efforts to pave Cordwainer Drive to effect repairs to pavement that was damaged a number of years ago, in order to promote an application to accept the way as a public way. Engineer Rennie Chapman of BSC Group informed the contractor not to proceed after the Board's engineer and the Planner reminded him that the November 15, 2005 deadline for paving had passed. In addition, both Engineer Chessia and the Planner noted that the paving conditions were unfavorable today, as the temperature was only 29 degrees and did not reach the required 40 degrees and rising conditions. This, of course, is the reason for the November 15th deadline rule, because the weather, more likely than not, will prohibit paving between November 15th and April 15th and the decision should not be left to a non-policy-making individual as to whether the paving can proceed or not. In addition, the contractor did not provide the required advance notice, so that an inspection could be arranged and a reminder was given to provide that notice once paving becomes appropriate.

PUBLIC HEARING. Barrel Lane. 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. The Clerk announced the documents and submissions received since the last iteration of the public hearing, which took place on October 12, 2005.

Member Joseph noted her dismay that a review of the latest Coler & Colantonio technical report indicates that there are still outstanding drainage issues. Engineer Carter was told at the close of the October 12, 2005 meeting that he should treat the extension he was being granted as the last one because the public hearing has been dragging on too long. The Board's time and the public's time is wasted when the issues that have been identified are not fully addressed and there is a need for more and more time to be granted in order for the applicant to address the same issue over and over again.

Chairman Graham expressed his frustration with the delay in finalizing the drainage and getting it to the point where everyone can be comfortable that it will work. He asked Engineer Carter to explain why the drainage issue has not been resolved.

Engineer Carter stated that he has been trying to resolve the issue, but it is a complicated problem as there are three downstream ponds or depressions that need to be accommodated. He provided two iterations of the drainage to C&C since the last meeting. He stated that he provided one iteration on October 27th and another on November 14th. Engineer Chessia wanted different software modeling to be used because the results with the existing software showed an instability and it took time to take care of that change and there wasn't enough time to finish what needed to be done. Engineer Carter stated that he has done the additional work to provide the modeling that proves that the design will work and he has it to give to the Board tonight.

Chairman Graham expressed his frustration again and noted that he specifically and expressly urged Engineer Carter to take all of the time that he needed with the last continuance request, just so there would be enough time for the issue to be fully resolved. He noted that it was his hope and his intention to close the public hearing this evening. Engineer Carter noted that the drainage issue is very close to being resolved. Chairman Graham noted that Engineer Carter has made that representation several times over the last few meetings and there are no results. Chairman Graham noted that it is unfair to everyone to allow this issue to continue to drag on in this manner. Other members noted the need to resolve the issue and close the hearing.

Chairman Graham asked Engineer Chessia to address the issue of how close the applicant is at this point in resolving the drainage issue.

Engineer Chessia explained that the software used by Engineer Carter's office showed unstable results. This is a red flag that there is a problem. Engineer Chessia reran the calculations using a different software. The results he obtained indicated to him that Engineer Carter very likely can show a final drainage design that can be proven to work. However, the design and modeling need to be tweaked until the modeling actually proves the design. It looks like it can be done, but it has not been done yet. It is not up to the Planning Board's engineer to do the work. The applicant's engineer must do the work and provide the evidence. It is likely that there will have to be some changes to the design, with respect to the evaluation of the various outlet pipes, etc., but with the proper design changes, the modeling should be able to prove that the final design will work. But, the bottom line is that it is not possible for him to say, at this point, looking at the

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current modeling results, that the drainage design proposed is acceptable and to be sure that there will not be a flooding concern.

Member Ianiri asked Engineer Carter to confirm that the additional evidence that is ready to be presented tonight will resolve all of the issues and prove, using the format that Engineer Chessia is talking about. Engineer Carter replied, "Yes. Absolutely. The work is done."

Engineer Carter stated that the current evidence that he is provided tonight will prove what needs to be proven and that he believes that Engineer Chessia has asked for evidence that goes beyond what the applicant should have to do. Member Joseph noted that it is essential for the Board to be as certain as it can be that the drainage will work and not result in any flooding. Engineer Carter apologized for his poor choice of words.

Engineer Chessia reviewed his latest report, dated November 30, 2005.

Engineer Carter responded by stating that the plan is stable now.

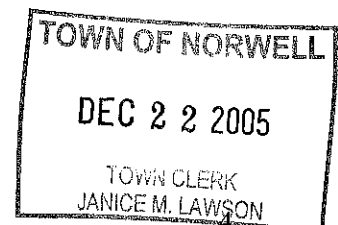
Mr. Shute asked whether the latest memo from the Water Superintendent will require a change that will mean that the drainage calculations will need to be revised. Engineer Carter responded that the drainage calculations will not need to be revised.

Mr. Shute indicated that he would like a continuance so that the final drainage revisions can be made and reviewed. Chairman Graham polled the Board members. Member Ianiri agreed that it makes sense to allow the continuance, but indicated his reluctance to allow the matter to go on much longer. Member Turner had no problem with the continuance. Member Joseph agreed that one more opportunity should be allowed. Member Barry also agreed.

Chairman Graham asked Engineer Carter to summarize the changes that he anticipates making to the plan, beyond the material to be submitted this evening.

Engineer Carter stated that he needs to address the Water Superintendent's Comments relating to Lot 5 and that he needs to adjust the weirs in the drainage basin. He noted that only two sheets will be implicated.

The Board discussed whether full plan set revisions need to be generated and submitted. Member Turner suggested that only one full plan set be generated for the Planning Office's file and that the required copies be submitted for just the impacted sheets. The Board agreed that this was an excellent suggestion and agreed with Engineer Carter that one full plan should be generated for the Planning Office file and one for Engineer Chessia to review and that the required number of copies for the two sheets must be submitted.



Engineer Carter summarized the requested changes that have been made already. The trees are labeled, the topo lines were darkened, the corner wet area to the south was shown on the plan, and the revisions to the pond and the new swale were indicated.

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Member Barry asked about the swale across the entrance location. Engineer Chessia explained that the swale is on the shoulder and forms a gutter line that will allow the water to move across the road and not puddle in the middle of the intersection. Engineer Chessia noted that this is not an ideal situation, but there is no room for a catch basin.

Member Turner noted her concern about potential icing and the engineers acknowledged that there would be some icing.

Member Barry asked Mr. Shute about the disposition of Parcel A and whether it would be part of the Homeowners Association. Mr. Shute responded that he would own it, but had not thought about including it in the HOA.

Member Barry asked Engineer Chessia about the comment on page 6 of the November 30, 2005 report, regarding the Aquifer Protection District status of the land. Engineer Chessia stated that it should be in the record that a portion of the land is in the District.

Member Barry asked Engineer Carter to demonstrate how the post development drainage plan would work and to show how water would flow across the driveways. Engineer Carter provided the demonstration.

Chairman Graham invited members of the public to ask questions and make comments.

Thomas Vorderer of 228 River Street asked about the darkened area on the south portion of the plan and asked whether it is a pond. Engineer Carter responded that the area in question is a zoned wetland, not a pond, although there is some standing water in the area at certain times.

Mr. Vorderer asked about Parcel A and what would be done with it. It was explained that Parcel A is labeled "Not A Buildable Lot." If the project were to be approved, then the Planning Board normally imposes a condition of approval that only the building lots on the plan may be included in the subdivision without a further, full modification of the plan with a public hearing and notice and full drainage calculations to support the proposed modification. The Board discussed a further potential condition that any change to Parcel A as a vacant parcel would also require a modification.

Jonathan Detwiler of 152 River Street noted his concerns about the water that would move across the intersection and stated his belief that issue should be addressed further.

Mr. Detwiler expressed his concern that there will be an increase in the volume of water moving off of Mr. Shute's property. Engineer Carter responded that there would be an increase in the volume of water moving off of Mr. Shute's property, but that the rate of runoff would be controlled. Since the rate would be controlled, so that it would not

increase, there will be no increase in flooding downstream. The Board discussed the requirements of the regulations that the rate of water moving off the property shall not increase and that there is no requirement that the volume not increase.

Mr. Detwiler stated that he has walked the area properties many times and is very familiar with it. He referred to the drainage divide shown on the plan, which demarcates the boundary between SubArea 1 and SubArea 2, and stated his belief that this divide is not accurate. He noted that the area is very flat and disputed that the divide is where it is shown on the plan. Engineer Chessia stated that he reviewed this issue and agrees with Engineer Carter that this particular divide boundary is logical, based upon the available topographic information for the offsite areas. The available information consists of town topo maps where are based upon aerial photographs taken in the 1970's.

Mr. Detwiler stated that he thinks that current information regarding this area should be gathered. Chairman Graham noted that developers do not have the right to go onto anyone else's property to do the type of surveying that Mr. Detwiler is talking about and that it is routine to rely upon the town topo maps for the base line information. Engineer Chessia noted that the flyover photos should produce topo maps that accurate to one foot.

Mr. Detwiler stated again that he thinks that SubArea 1 is not accurately depicted and stated again that he thinks that there will be an increase in volume. Member Joseph noted again that the requirement under the Board's regulations is that a developer shall control the rate of stormwater runoff, so that there is no increase in the rate, but there is no requirement in the regulations that there not be an increase in the volume of stormwater runoff. Mr. Detwiler stated again that he believes that the plans are not accurate.

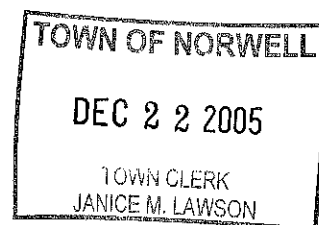
Chairman Graham asked Engineer Carter how much time would be necessary to do any remaining work on the project and urged him again to take all of the time that he could possibly need as this project should not require more than one more iteration of the public hearing.

After consulting with Engineer Carter and with the Board, Mr. Shute made a written request to the Board that the deadline for final action on the Barrel Lane Subdivision be extended from January 20, 2006 to April 14, 2006. Member Ianiri moved and Member Barry seconded that the Board approve Mr. Shute's request. The motion was approved 5-0.

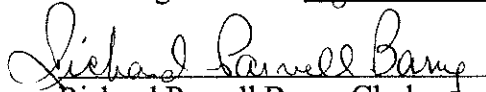
Member Ianiri moved and Member Barry seconded that the Board continue the public hearing to March 15, 2006 at 7:30 p.m. The motion was approved 5-0.

DISCUSSION. Adjournment. 9:45 p.m.

At approximately 9:45 p.m., Member Ianiri moved and Member Barry seconded that the Board vote 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 December 21, 2005.


Richard Parnell Barry, Clerk

