

Norwell Planning Board Meeting Minutes
February 16, 2005 Regular Session

The meeting was called to order at 6:30 p.m. Present were Board Members Richard Parnell Barry, Bruce W. Graham, James M. Ianiri, Karen A. Joseph and Sally I. Turner and Town Planner Ilana Quirk. Member Ianiri left the meeting to attend a Board of Selectmen meeting. He returned at 7:10 p.m.

DISCUSSION. Agenda. 6:30 p.m.

Member Graham moved and Member Turner seconded that the Board accept the agenda as written. The motion was approved 4-0, with Member Ianiri absent.

DISCUSSION. Open Space and Recreation Draft Plan. 6:30 p.m.

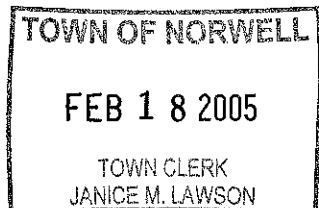
All Board members, except Member Ianiri were present. Member Barry recused himself, as he is a member of the Open Space and Recreation Committee.

Two members of the Open Space and Recreation Committee (OSRC), Conservation Agent Michele Simoneaux and Richard Parnell Barry presented the draft Open Space and Recreation Plan.

Ms. Simoneaux explained that the OSRC is a subcommittee of the Conservation Committee and that the draft OSR Plan was created as a resource for the Town in the future and put the Town in a better position to obtain state funding for open space acquisition. Having an OSR Plan that has been approved by the state will afford the Town extra points when applying for grants. In order to obtain approval of the OSR Plan from the state, the OSR Plan first has to be reviewed and formally endorsed by local boards and agencies.

Member Joseph asked whether the OSR Plan has been endorsed by the Conservation Commission yet and about the timing for endorsement by the Planning Board. Ms. Simoneaux explained that the Conservation Commission has not formally endorsed the plan yet and will be holding a public hearing on March 15, 2005 to allow the public to formally comment on the draft OSR Plan before the Commission takes any formal action. It is hoped by the OSRC that all endorsements will be in place by late Spring 2005, as there is a round of grant funding that will occur during the Summer of 2005.

The Board members noted that they would prefer to defer action on the request to endorse the draft OSR until after the draft is finalized and endorsed by the Conservation Commission. In the meantime, the members will forward any comments that they have via the Planner to the Conservation Agent for review and consideration by the OSRC.



DISCUSSION. Minutes. 7:00 p.m.

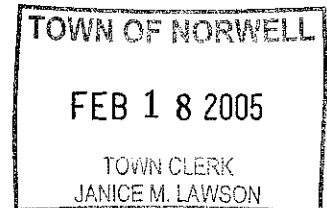
**February 2, 2005 Regular Session Minutes.
February 2, 2005 Executive Session Minutes.**

Member Graham moved and Member Turner seconded that the Board vote to approve the February 2, 2005 Regular Session and Executive Session minutes. The motion was approved 4-0, with Member Ianiri absent.

DISCUSSION. BILLS. 7:05 p.m.

The Board considered the following bills, from Coler & Colantonio, Inc.:

Coler & Colantonio, Inc.	
Barrel Lane:	\$ 329.32
Black Pond Estates:	\$ 196.35
Cedar Point:	\$ 270.00
Joshua's Landing:	\$ 292.50
Hawthorne:	\$ 178.72
Turner's Way:	\$3,204.96
Wildcat:	\$2,340.00
Winslow:	\$ 32.74



Member Graham moved and Member Barry seconded that the Board voted to approve the Coler & Colantonio, Inc. bills. The motion was approved 3 in favor, with Member Turner abstaining and Member Ianiri absent.

The Board considered the following bill, from Edwards & Kelsey:

Edwards & Kelsey	
Taylor's Way:	\$2,121.45

Member Graham moved that Edward & Kelsey bill be paid.

The Planner explained that there are questions surrounding the bill. The Board discussed the matter and agreed that the current bill and the prior bill from Edward & Kelsey do not provide enough detail.

On February 10, 2005, when the bill was received, the Planner requested that Engineer Thomas Houston of Edwards & Kelsey revise both bills received to date in order to indicate the following details: the nature of the task performed, by whom, the date performed, the time spent and the hourly rate of the person performing the task. The bills provided only indicate a summary of the total hours spent by the various engineers working on the project. Engineer Houston phoned the office today and indicated that he has been out of the office due to a family emergency and will provide the requested detail as soon as possible.

Member Graham withdrew his motion and the Board directed that the bill be held until the further detail is received.

DISCUSSION. Draft Annual Report. 7:10 p.m.

The Board discussed the draft Annual Report prepared by the Planner. Member Graham moved and Member Ianiri seconded that the Board approve the draft Annual Report. The motion was approved 5-0.

DISCUSSION. Circuit Street/Barrel Lane ANR Plan. 7:15 p.m.

The Board considered an ANR Plan entitled "Barrel Lane Commons," dated October 5, 2005, as revised through January 20, 2005, prepared by GCG Associates, Inc. for Donald E. Shute. The Board reviewed and discussed a draft decision, dated February 7, 2005, prepared by the Planner.

Member Graham moved and Member Ianiri seconded that the Board vote to refuse to endorse the ANR Plan and to adopt the staff recommendations set forth in the February 7, 2005 draft decision as findings. The motion was approved 5-0.

PUBLIC HEARING. Taylor's Way Subdivision. 7:35 p.m.

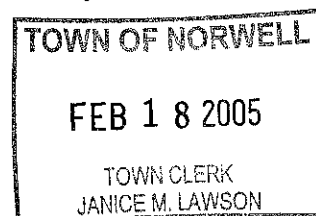
All Board members were present. No one was present for the Applicant.

Member Ianiri read the public hearing notice to open the public hearing. Member Ianiri then read the correspondence that had been received since the last iteration of the public hearing on December 22, 2004.

The correspondence consisted of two pieces of correspondence.

- 1) A February 16, 2005 e-mail from the Conservation Agent, indicating that, on February 15, 2005, the Conservation Commission denied a request by the applicant for a continuance, in order to allow the applicant to revise the plans to reduce the project from a 3-lot project to a 2-lot project, and closed the public hearing.
- 2) Correspondence from the applicant's representative, Benjamin Smith of Allen & Major Associates, Inc., received by the Planning Office at 5:00 p.m. today, via fax, requesting a one-month continuance of the public hearing.

The Planner reviewed the history of the project. On December 22, 2004 public hearing, the applicant's representative, Jeff Stearns of Allen & Major Associates, Inc., asked for and received a continuance to February 16, 2005 to allow time to revise the subdivision plans in response to the technical reports prepared for the Board by Engineer Houston of Edwards & Kelsey. The Board emphasized to Engineer Stearns that the deadline for submission of the revised plans, so that they could be considered on February 16, 2005, would January 26, 2005.



On January 6, 2005, Engineer Stearns and Engineer James Major of Allen & Major Associates, Inc. met at the Town Hall with Engineer Houston and the Planner. The Planner reviewed and emphasized the January 6, 2005 deadline for submission of revised plans with Engineers Stearns and Major.

On January 31, 2005, when the deadline was past and no plans had been received, the Planner contacted Engineer Stearns to determine the applicant's intentions. Engineer Stearns stated his firm was not currently working on the project for the applicant and that the applicant would be in touch regarding the status of the project.

No word was received regarding the project, until 5:00 p.m. today, when Benjamin Smith of Allen & Major Associates, Inc. sent correspondence via facsimile.

The Board discussed the request for a continuance. Member Turner felt that a strong message should be sent that this cannot happen again. Member Joseph agreed and noted that, as a result of the applicant's actions, the Board will waste an hour of its time, something that it cannot afford with seven active subdivision hearings in the public hearing process.

Member Graham noted that he will be absent from the March 16, 2005 meeting. As a result, the Board will not have a quorum for Turner's Way, which is scheduled to continue that evening.

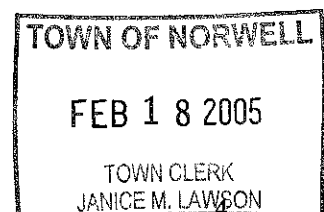
Member Graham moved and Member Ianiri seconded that the applicant's request for a continuance be granted and that the public hearing be continued to March 16, 2005 at 8:30 p.m., but that the applicant's representative shall be informed that revised plans must be received in accordance with the Board's deadline (i.e., 3 weeks before March 16th or February 23, 2005) or they will not be considered. The motion was approved 5-0.

At 7:45 p.m., the Board took a break to wait for the next public hearing.

PUBLIC HEARING. Wildcat Hill Subdivision. 8:30 p.m.

All members of the Board were present. Member Ianiri read the public hearing notice and read or announced all correspondence and other documents received since the last iteration of the public hearing on January 19, 2005, including the revised plan set and related submittals received from the applicant on January 26, 2005, a memo from the Planning Office, dated February 2, 2005 requesting comments on the revised plans from town boards, a February, 2005 technical report from Coler & Colantonio, Inc. and correspondence received from the Fire Chief, Water Superintendent, and Board of Health.

Member Ianiri recused himself and left the meeting.



Engineer Bradley C. McKenzie of McKenzie Engineering Group, Inc. made a presentation of the changes to the plans reflected in the materials submitted on December 30, 2005 and January 26, 2005. He summarized the major changes as including the following: (1) information that documents that the post-construction drainage flow to the Route 3 culvert will be reduced; (2) the location of the proposed treatment plant was added to the plan submitted on January 26, 2005; (3) The westerly entrance to Roadway A has been relocated to address sight distance problems with the earlier location; and (4) A number of underdrains have been eliminated because they are unnecessary.

Engineer McKenzie noted that in the next round of plans and submittals, the Board will be provided with more information about the treatment plant, including mounding information, and a traffic report. It is also expected that the applicant will apply for preliminary approval to DEP for the treatment plan in mid-March and that a conceptual approval will be received by mid-April. More information will be provided regarding examples of other places where this type of treatment plant has been approved.

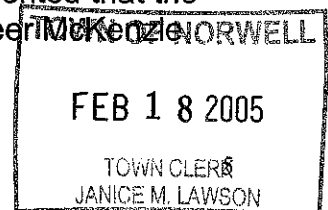
Engineer Chessia then summarized his February 9, 2005 technical report. The major issues are the need for additional information regarding: (1) sight distances and traffic; (2) documentation that Centennial Way abutters will not be adversely impacted by the runoff from the proposed work; (3) the sewer collection system; (4) Subdrain proposals and their impact on the Aquifer Protection District, with input from the Water Commissioners; (5) the proposed treatment plant and whether it requires a special permit and what DEP policy will be applied; and (6) wetland impacts.

Member Joseph noted that the Board wants to avoid the preparation and review of unnecessary plan sets and asked that the applicant request a reasonable continuance of the public hearing and the deadline for final action that will allow the next plan set to be the final plan set, so that the next plan set will be based upon final information.

Member Joseph noted her concern that the applicant has chosen, as is the applicant's right, not to file simultaneously with the Conservation Commission to obtain approval from the Commission for the project. This may mean that there may have to be modifications to the subdivision if it is approved. Engineer McKenzie said that this risk is understood.

Member Joseph asked what impact to the wetlands would be created from moving the location of the roadway. Engineer McKenzie stated that the impact would not be greater than the original location.

Member Joseph noted that the Water Superintendent has commented that the revised plans do not address his earlier stated concerns. Engineer McKenzie



stated that a request to connect to Old Pottery to create a through connection to the Circuit Street main has been made and the applicant has expressed reluctance due to the cost, which he estimated would be \$300,000.00.

As to the preparation of new plans, he noted that he is waiting for mounding information for the treatment plant and repeated the expectation that the DEP application would be made in mid-March and that a conceptual approval would occur during mid-April.

The applicant's wastewater consultant, Thomas Jordan, made a brief presentation. He noted that there are a number of policies that DEP imposes, including the Private Sewage Treatment Facility Policy and the Nutrient Loading Approach Policy. He stated that if a treatment plant has a discharge of nutrients of less than 10mg/liter then the DEP does not impose the Nutrient Loading Approach. His expectation is that the discharge level will be 3.7 mg/liter.

Member Joseph asked about proposed truck traffic and how much fill is expected? Engineer McKenzie stated that the site is balanced. Gravel will have to be brought to the site for the subbase and they can estimate that. He noted that the project will comply with the DEP Stormwater Phase II Policy requirements.

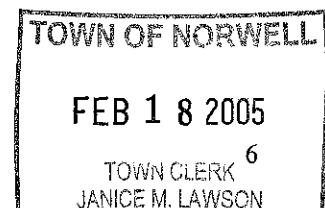
Member Turner asked about the proposed wetland crossings and Engineer McKenzie stated that the crossings would be bridges. Member Turner asked if they would be culverts and whether there would be fill underneath and around them. Engineer McKenzie stated that there would be.

The Board discussed the timing of new submittals and whether the applicant would be requesting an extension of the April 1, 2005 deadline for final action. Executive Vice President William Constable discussed the matter with the Board and then submitted a written request to extend the deadline for final action to July 1, 2005.

Member Graham moved and Member Turner seconded that the Board grant the applicant's request to extend the deadline for final action to July 1, 2005. The motion was approved 4-0, with Member Ianiri absent.

Member Joseph opened the hearing to questions from the public.

Ms. Anne Horgan of 213 Wildcat Lane noted that she is a direct abutter to the proposed project. She has a drinking water well and it is at the rear of her property, close to the lot line and next to the property line for the parcel where the treatment plan is proposed. She stated her concerns about contamination. Engineer McKenzie stated that her well is at least 200 feet from the leaching fields, but that that will be addressed in the next plan set.



Mr. William Malloy, Jr. of 31 Wildcat Lane asked whether there is a proposal for this project to allow a tie-in to the waste water treatment plan for the Town-owned land on Wildcat. Attorney Constable stated that this project envisions no such tie-in, but that it could happen if a different project were pursued.

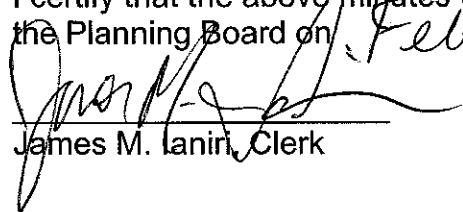
Ms. Kelly Fortin of 29 Centennial Way asked about the grading of the leaching fields and how high it would be. Consultant Jordan noted that the plans are not finalized, but that it would be approximately 3.5 feet higher than current grade levels.

Mr. Mark Lupo of 52 Wildcat Lane asked about the precedent that allowing the proposed treatment plan would create in Norwell. Member Joseph noted that the exact information that he is requesting has been asked for several times and Engineer McKenzie has indicated that it will be provided soon. Engineer McKenzie stated that the information for other residential subdivision projects would be provided by the end of this week. Consultant Jordan noted that commercial use of the plant in the area is common and cited the Cardinal Cushing project and the Hanover Mall.

Member Graham moved and Member Turner seconded that the public hearing be continued to May 11, 2005 at 7:30 p.m. in the Gym, if it is available. The motion was approved 4-0, with Member Ianiri absent.

At 9:40 p.m., Member Graham moved and Member Turner seconded that the Board adjourn. The motion was approved 4-0, with Member Ianiri absent.

I certify that the above minutes were reviewed and approved by majority vote by the Planning Board on Feb-17, 2005.


James M. Ianiri, Clerk

