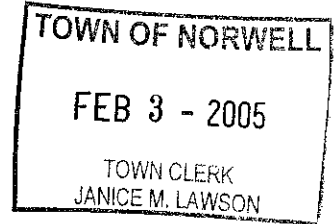


Norwell Planning Board Meeting Minutes
January 19, 2005



The meeting was called to order at approximately 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 arrived at 7:12 p.m.

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

DISCUSSION. MINUTES. 7:00 P.M.

The Board reviewed and approved the following meeting minutes.

January 5, 2005 Minutes.

Member Turner moved and Member Barry seconded approval of the January 5, 2005 minutes. The motion was approved 4-0, with Member Graham absent.

DISCUSSION. Indian Trail. Executive Session. 7:05 p.m.

All Board members, except Member Graham were present. Town Counsel Robert Galvin, Jr. also was present.

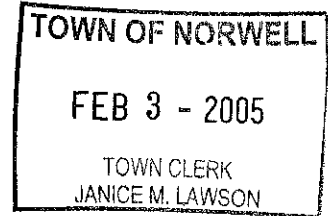
Member Ianiri moved and Member Turner seconded that the Board leave regular session and go into executive session to discuss strategy relating to pending litigation, in the matter of Stephen H. MacInnes (sic) and Lynne M. MacInnes (sic) v. Sally Turner, Bruce Graham, Herbert Heidt, Mark Bailey and Richard Twigg as they constitute the Town of Norwell Planning Board and the Town of Norwell, Land Court Department Misc. No. 275998, with the Board to return to open session thereafter.

The roll call vote to go into executive was recorded as follows:

Richard P. Barry: Aye
Bruce W. Graham: Absent
James M. Ianiri: Aye
Karen A. Joseph: Aye
Sally I. Turner: Aye

At approximately 7:10 p.m., Member Ianiri moved and Member Barry seconded that the Board leave executive session and return to regular session. The roll call vote to return to regular session was recorded as follows:

Richard P. Barry: Aye
Bruce W. Graham: Absent
James M. Ianiri: Aye
Karen A. Joseph: Aye
Sally I. Turner: Aye



DISCUSSION. Indian Trail ANR. 7:10 P.M.

All Board members were present (Member Graham joined the meeting at 7:12 p.m.). Present for the applicants were Attorney Robert Devin and Mr. and Ms. McInnis.

Attorney Devin presented copies of a layout for Grove Street that took place during the 1940's and that depicts a "wood" road in the vicinity of Indian Trail's present day location. The Board and Attorney Devin reviewed the 1954 ANR Plan that Attorney Devin relied upon in his complaint as the basis for the location of Indian Trail in 1954. The Planner noted that the 1954 ANR Plan depicts Indian Trail in a different location than its present day location.

Town Counsel and Attorney Devin confirmed that they both agree that there is no deadline for action.

The Board continued discussion on the matter until February 2, 2005 at 9:00 p.m.

DISCUSSION. Wildcat and Pine Street ANR Plan/Clark. 7:35 p.m.

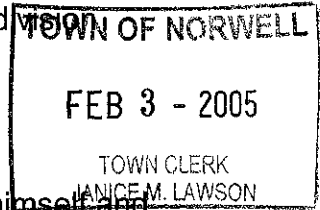
All Board members were present. Applicant Peter H. Clark was present.

The Board reviewed the ANR Plan, entitled "Plan of Land Wildcat Lane & Pine Street, Norwell, Massachusetts," dated December 21, 2004, and prepared by Professional Land Surveyor David T. Gilmore of Perkins Engineering, Inc., of Hingham, Massachusetts, for the Estate of Mary Jane Clark. The ANR plan was submitted to the Planning Board at its January 5, 2005 meeting.

The Board reviewed the draft decision, dated January 5, 2005, prepared for the Board by the Planner, who recommended favorable action, with all positive findings by the Board.

Member Graham moved and Member Ianiri seconded that the Board make all favorable findings under the draft decision, dated January 5, 2005, and then endorse the December 21, 2004 ANR Plan of Land for Wildcat Lane & Pine Street, prepared by PLS David T. Gilmore for the Estate of Mary Jane Clark. The motion was approved 5-0.

Thereafter, the Board adjourned to the Gym for the Wildcat Hill Subdivision public hearing.



PUBLIC HEARING. Wildcat Hill Subdivision. 7:35 P.M.

All Board members were present; however, Member Ianiri recused himself and sat in the audience. Present for the applicant was Engineer Bradley C. McKenzie. Present for the Board was Engineer John Chessia.

Member Barry read the public hearing notice to open the public hearing. Member Joseph read the request for a continuance of the public hearing and an extension of the deadline for final action to April 1, 2005 received from Attorney William Constable on behalf of the applicant.

The Planner gave a brief overview of the status of the project. The revised plan set was not received in time to be reviewed by the Board's engineer for tonight's meeting and the applicant now intends to submit additional materials, relating to traffic, sight distances, the proposed treatment plant and other matters not later than January 26, 2005. As a result, the most prudent course is to have all materials reviewed together and discussed at the Board's next available meeting.

Engineer McKenzie confirmed that the new materials will be ready and submitted to the Board and to Engineer Chessia not later than January 26, 2005. The timing of submission of the materials and their review was discussed and emphasized. In order to be considered at the Board's next available meeting, the new materials must be received at least three weeks in advance of the next meeting, so that Engineer Chessia will have two weeks to review the materials and provide a report and so that the Planning Board and the public will have a week with the report before the meeting.

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

Member Graham moved and Member Turner seconded that the Board continue the public hearing to February 16, 2005 at 8:30 p.m., and that the Board attempt to reserve the Gym for the meeting. The motion was approved 4-0, with Member Ianiri having recused himself.

The Planning Board adjourned back to its regular meeting room.

PUBLIC HEARING. Joshua's Landing Subdivision. 8:05 p.m.

All Board members were present. Member Ianiri read the public hearing notice to open the public hearing. Member Ianiri read or announced the comments

received from the Fire Chief, Highway Surveyor, Water Superintendent, Board of Health, Building Inspector and Conservation Agent.

Member Joseph read a brief statement informing the public as to how the meeting will be conducted and how the decision on the application will be made.

The Board considered the issue of whether the application will be processed under the 1986 subdivision regulations or the 2004 subdivision regulations. The application was submitted to the Board at its November 10, 2004 meeting.

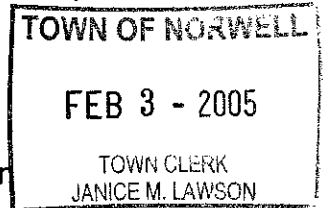
Member Ianiri moved and Member Graham seconded that the Board process the application for definitive subdivision approval for Joshua's Landing under the 1986 Subdivision Regulations. The motion was approved 4-1, with Member Barry voting against.

Engineer Jeremy Downs of GCG Associates, Inc. provided the Board with the green cards for the notices sent to the abutters and indicated that all of the required notices were sent.

Engineer Downs gave an overview of the project at approximately 8:20 p.m.

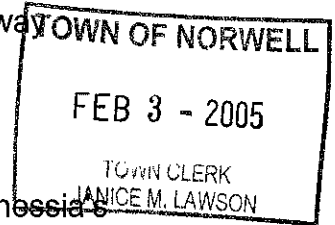
Engineer Chessia gave an overview of his engineering report at approximately 8:25 p.m. His main concerns were as follows:

- The wetlands line has not been confirmed yet.
- The sight distance issues have not been addressed.
- The details for the utilities in Norwell Avenue have not been provided.
- The high level of groundwater at the site has not been accounted for by providing all of the necessary testing information that has been tied to specific locations shown on the plan.
- The potential projection of the proposed dead-end street to Mt. Blue Street has not been addressed.
- The plans do not comply with the cross section requirements.
- The street intersection offset to Trout Brook Lane does not conform to the requirements of the regulations.
- The radii and tangents are not provided on the plan as required.
- The required Mass Grid coordinates have not been provided.
- More soil information is required.
- There are significant drainage issues, including that the proposed design would cause flooding onto Norwell Avenue, which is unacceptable.
- The proposed driveways are not realistic and are not pitched properly.
- Easements for the drainage should go to the property line and do not.



- Edison's easements should be provided, so that any restrictions can be evaluated.
- Information should be provided to confirm that no driveway entrances are located within 75 feet of a roadway.

Planning Board Comments and Questions. 8:35 p.m.

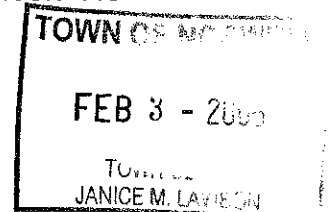


Member Ianiri noted that his comments are in addition to Engineer Chessia's comments, all of which need to be addressed. Member Ianiri's concerns are as follows:

- Stormwater runoff onto Norwell Avenue must be fully controlled.
- The sight distance and intersection offset issue with Trout Brook Lane and Norwell Avenue must be fully addressed.
- The plan fails to comply with the Board's regulations in many respects. The applicant must either revise the plan or seek waivers as to each deficiency. If waivers are sought, the applicant needs to follow the Board's longstanding procedure of first providing a complaint plan and then asking for the waivers. The Board wants to evaluate a fully compliant plan before considering whether to grant any waivers.
- All trees 24 inches in diameter or greater should be shown on the plan. Effort should be made to preserve existing vegetation and trees whenever possible.

Member Barry provided his written comments to the applicant's engineer. He summarized his comments as follows:

- Note 7 on Sheet 1 contains disclaimer language that is inappropriate.
- Depth of groundwater must be shown on the plans.
- All waivers must be shown on Sheet 1.
- Norwell Avenue is a scenic road and the applicant should conform to all statutory requirements.
- A matchline for Sheets 3 and 4 must be provided.
- The flow direction of the stream must be shown on the plans.
- The culvert at Black Pond Brook must be shown on the plans.
- Sheet 7 does not show the necessary connections to the proposed dwellings.
- Appendix G of the Stormwater Management Plan indicates that the Best Management Practices shall be the responsibility of the applicant; however, the responsibility should be the applicant and the applicant's successor in interest, presumably a Homeowners Association.
- The plan must show the proposed type and location for the required street trees.



Member Turner summarized her concerns as follows:

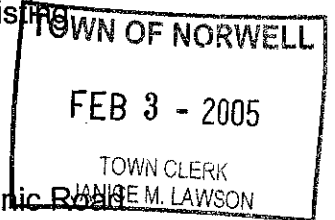
- The area of the drainage basins must be subtracted from the upland. It would be preferable to put the drainage basins on a separate parcel.
- The offset from the intersection of Trout Brook Road is a serious concern.
- Sheet 3 must accurately depict the existing septic systems. Member Joseph noted her agreement with this comment and stated that she has a concern that the existing conditions plan is incomplete. Member Joseph noted her concern that access to the existing dwellings must be maintained at all times.

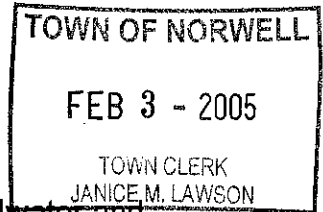
Member Graham summarized his concerns as follows:

- The project must conform to the requirements of the Scenic Road Statute.
- The plan is weak. It provides incomplete information in many areas and fails to conform to multiple requirements. The plan has to be overhauled. If waivers are to be sought, then a compliant plan should be provided as the baseline for the Board to consider whether the proposed waivers are in the public interest.

Member Joseph summarized her concerns as follows:

- The project must conform to the requirements of the Scenic Road Statute. It appears that the existing conditions violate the 20 foot opening limitation previously imposed. The existing conditions plan should indicate the amount of clearing that has been done.
- Note 6 on Sheet 1 has to be revised. A construction plan is necessary and it must be reviewed and approved by the Planning Board.
- Sheet 2. The symbols used on the plans should be identified and then used consistently.
- The spreader swale shown on the plan does not appear to be designed properly.
- The plans do not show an island in the cul de sac.
- The grading for Lots 3 and 4 appears to encroach upon adjacent property.
- The cross section requirements must be adhered to.
- The trench detail provided is improper. There should be no saw cuts.
- The soil information provided is incomplete. It should provide the date of the report and maps relied upon and the most recent and accurate information available should be used.





Public Comments. 9:00 p.m.

Mr. John Lunn of 79 Norwell Avenue noted his concern about groundwater and its impact on flooding and adjacent wells. He noted that many of the abutters use drinking water wells. He noted his concern regarding the sight distance issue on Norwell Avenue and the intersection offset issue from Trout Brook Lane.

Mr. Ernesto Garzon, Jr. of 117 Norwell Avenue noted his concerns about the impact of the development on Norwell Avenue. He is concerned that water flowing down the subdivision road and snow tracked from the subdivision road will go onto Norwell Avenue and created dangerous flooding, icing and snow conditions. He asked the Board to make sure that road maintenance and snow storage issues are carefully addressed. He raised a concern as to how and where the bus stop for the development would be located so as to avoid the sight distance issues on Norwell Avenue that already create a dangerous situation.

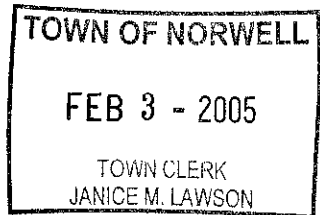
Member Joseph asked the applicant to take into account not only the 85th percentile speed when reviewing sight distance issues, but also to take into account the varying elevations on Norwell Avenue as well.

The Board asked the applicant how he intended to proceed. Engineer Downs indicated that the applicant intends to revise the plan set to conform to the comments received. The Board emphasized the timing policy for receipt, review and consideration of new materials. There must be three weeks available between receipt of the materials and the hearing date when they are to be discussed. Engineer Downs stated that he understood the policy and stated he would need approximately a month to make the changes and would like to have a meeting with Engineer Chessia. The Board encouraged such a meeting, but noted that Engineer Chessia cannot give any advice and that the applicant cannot rely upon a preliminary impression given by him regarding proposed concepts and that a full review is still required.

The applicant requested that the deadline for final action be extended to May 6, 2005 to allow further time for the plans to be revised and reviewed and considered.

Member Graham moved and Member Ianiri seconded that the Board vote to approve the applicant's request that the deadline for final action be extended to May 6, 2005. The motion was approved 5-0.

Member Graham moved and Member Ianiri seconded that the Board vote to continue the public hearing to March 30, 2005 at 7:30 p.m. The motion was approved 5-0.



DISCUSSION. Bills. 9:20 p.m.

The Board considered all pending bills presented for payment.

Coler & Colantonio

Member Ianiri moved and Member Graham seconded that the following Coler & Colantonio bills be approved for payment and the vouchers signed.

Barrel Lane:	\$3,305.84
Holly Berry:	\$1,592.79
Joshua's Landing:	\$2,590.07
Turner's Way:	\$1,059.87
10 Washington St.:	\$1,403.18
Wildcat Hills:	\$ 565.00
Winslow Commons:	\$1,571.92

The motion was approved 3-0-1, with Member Joseph absent and Member Turner abstaining.

Edwards and Kelcey

Member Ianiri moved and Member Graham seconded that the following Edward and Kelcey bill be approved for payment and the voucher signed.

Taylor's Way:	\$3,105.00
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The motion was approved 4-0, with Member Joseph absent.

ITZA Website

Member Ianiri moved and Member Graham seconded that the following ITZA bill be approved for payment and the voucher signed, but that it be held until January 30, 2005 and not paid if a different, less expensive web site can be found.

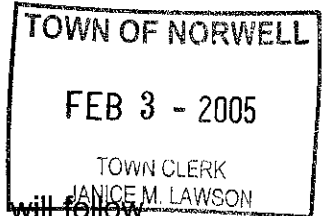
Subscription 2/05 – 5/05:	\$ 31.80
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The motion was approved 4-0, with Member Joseph absent.

Planner Reimbursement

Member Ianiri moved and Member Turner seconded that the following reimbursement of the Planner be approved for payment and the voucher signed.

Mileage and Copies: (Registry Research)	\$36.40
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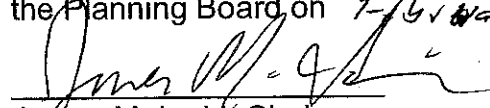
DISCUSSION. Annual Town Meeting. 9:25 p.m.

The Board discussed preparation of the Board's annual report, which will follow the same format used last year.

The Board discussed scheduling a public hearing on the Common Driveway zoning by-law proposal. The Board directed that the hearing be scheduled for February 17, 2005 at 7:00 p.m.

At approximately 9:35 p.m., Member Graham moved and Member Ianiri seconded that the Board 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 ~~February~~ February 2, 2005.


James M. Ianiri, Clerk