

**Planning Board Meeting
January 5, 2005 Minutes**

The meeting was called to order at 7:00 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.

Member Graham moved and Member Ianiri seconded that the Board accept the agenda as written. The motion was approved 5-0.

DISCUSSION. MINUTES. 7:02 P.M.

Member Graham moved and Member Turner seconded approval of both the December 22, 2005 Regular Session and December 22, 2005 Executive Session Minutes. The motion was approved 5-0.

DISCUSSION. BILLS. 7:02 p.m.

No bills have been received since the last meeting on December 22, 2004 and this agenda item was tabled.

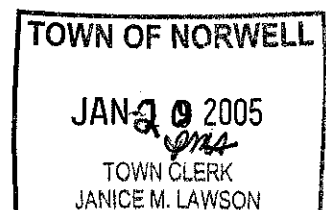
DISCUSSION. Pine Street/Wildcat Lane ANR Plan. 7:05 P.M.

Member Graham moved and Member Ianiri seconded that the Planning Board accept submission of an ANR Plan entitled: "Plan of Lane Wildcat Lane & Pine Street, Norwell, Massachusetts," Dated: December 21, 2004, Prepared for the Estate of Mary Jane Clark, by Professional Land Surveyor David T. Gilmore of Perkins Engineering, Inc., of Hingham, Massachusetts and defer action on the Plan until the Board's January 19, 2005 meeting.

The motion was approved 5-0.

DISCUSSION. Wildcat Hill. January 11, 2005 Meeting Invitation. 7:06 P.M.

The Board reviewed the Selectmen's December 17, 2004 invitation, received on December 27, 2005, to discussion possible development scenarios, and determined that Member Ianiri, who has recused himself from the Wildcat Subdivision public hearing process, will attend the January 11, 2005 meeting and note at the meeting that the Planning Board has an ongoing public hearing and will not attend the meeting for that reason. As a result, the January 11, 2005 meeting will not be posted.



DISCUSSION. Open Space and Recreation Draft Plan. 7:10 P.M.

The Board discussed and agreed to the request by OSRC chairman Deb Lenahan for a meeting between the OSRC and the Board on February 16, 2005 at 6:30 p.m. It is expected that the draft plan will be ready for distribution by the OSRC by February 1, 2005.

DISCUSSION. Turner's Way Chapter 91 License. 7:20 p.m.

Member Turner recused herself from the discussion and left the table. The remaining members reviewed the request by Mr. David Turner that the Planning Board sign off on his request for a Chapter 91 License. The Board discussed its longstanding practice of not holding a public hearing on such requests and its practice over the past year or so to not make recommendations, unless there is an obvious problem with an application that warrants comment, since the DEP provides a very thorough review. Member Barry reviewed the plans with the Board members.

Member Graham moved and Member Ianiri seconded that the Board not hold a public hearing and not make any specific recommendations regarding the application, but merely sign off on the application as requested. The motion was approved 4-0, with Member Turner absent.

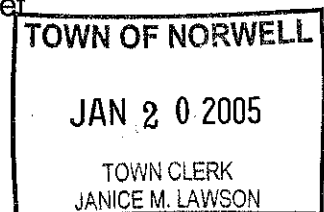
PUBLIC HEARING. Barrel Lane. 7:34 p.m.

All members were present. Also present for the Board was Engineer John Chessia of Coler & Colantonio or Norwell, MA.

Present to support the application were Engineer Michael Carter of GCG Associates of 226 Lowell Street, Wilmington, MA and applicant Donald E. Shute of 41 Fox Hill Lane, Norwell, MA.

The following names were entered onto the attendance sheet: Mark Aigen of 51 Tiffany Road, Shirley Brown of 199 Tiffany Road, Richard Cannon of 200 Tiffany Road, Donald Cugasca of 256 River Street, Albert Guild of 189 Tiffany Road, Leona Guild of 189 Tiffany Road, Michael Hnatkovich of 190 Tiffany Road, Irene Horte of 296 Circuit Street, Richard Johnson of 238 River Street, Darryl Mayers of 6 Parsons Walk, Mary Lou O'Leary of 222 River Street, Paul Plonsky of 345 Circuit Street, Kristina L. Sletner of 96 Tiffany Road, Anne Staples of 417 Circuit Street, Michael Tannian of 3 Parsons Walk, Nancy Trudeau of 360 Circuit Street, William Trudeau of 360 Circuit Street, Thomas Vorderer of 228 River Street

Member Ianiri read the public hearing notice to open the public hearing.



Member Joseph read a brief statement, explaining the public hearing process and noting that, if the project is eligible for consideration under the 1986 regulations, then the Board's practice is to act within 60 days, unless the applicant seeks and is granted an extension.

Engineer Carter conferred with Applicant Donald Shute and stated that Mr. Shute wished to request an extension of the deadline for final action on the project to March 18, 2005. Engineer Carter presented a written request for the extension, signed by Mr. Shute to the Board.

Member Graham moved and Member Turner seconded that the Board accept Applicant Shute's request to extend the deadline for final action to March 18, 2005. The motion was approved 5-0.

The Board discussed the timing of the submission of the preliminary plan and the definitive plan submittals and whether the definitive plan is eligible for consideration under the 1986 regulations or the 2004 regulations. The Board reviewed the facts, which were as follows. The Board adopted new subdivision regulations on April 5, 2004. The preliminary plan was submitted at the Board's April 5, 2004 meeting and processed under the 1986 regulations. On November 5, 2004, the definitive plan and materials were delivered to the Planning Office. On November 10, 2004, the definitive plan and materials were submitted to the Planning Board at its next regular meeting.

Member Graham moved and Member Joseph seconded that the Board determined that the Board's 1986 subdivision regulations apply to the definitive plan. The motion was approved 4-0, with Member Barry dissenting.

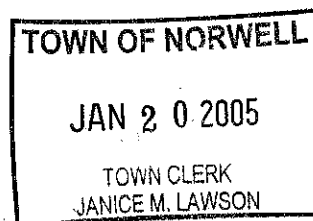
Member Ianiri announced the written comments received by the Board, regarding the project from the Highway Surveyor, Fire Chief, Building Inspector, Water Superintendent and Town Counsel.

Engineer Carter gave a brief presentation of the project at 8:00 p.m.

Engineer John Chessia gave an overview of his December 20, 2004 report at 8:08 p.m.

The members asked questions of the engineers, beginning at approximately 8:25 p.m.

Member Turner presented a series of comments and questions that she had reduced to writing and distributed copies of the document to the Board and to the applicant's engineer.



Member Graham asked the applicant to provide a compliant plan to show what would be allowed without any waivers, so that the Board can evaluate the public benefit, if any, of the waivers requested.

Member Joseph made number of comments and a series of questions.

- Place USGS Quad Information and Date on the plan.
- Show the street trees on the plan.
- Show the proper contour information on the plan.
- Match the topography references with the proper symbols.
- Sheet 3. Show the proper assessing information, regarding the Town's land.
- Show the existing grades properly.
- Show all existing trees with a caliper of 24" or greater.
- Label all streets and parcels and lots.
- Specify which lotting plan for which the scale waiver is sought.
- Complete the required wetlands information.
- Clarify whether the survey was a ground survey or a compiled survey.
- Sheet 8. Show realistic driveways and provide for the runoff.
- Sheet 9. Clarify how the grading in the area of the spreader swale would work.
- Sheet 9. The grading shown does not match the profile.
- A waiver would be necessary for the 18-inch cape cod berm shown.
- The cross section used is incorrect.
- Sheet 14. Specify the type of filter fabric that is to be used.

Member Barry presented a series of written comments and copies were provided to the members and to the applicant.

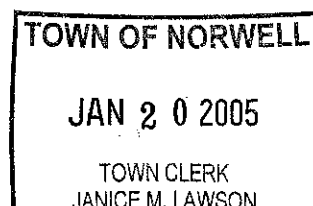
Member Ianiri had no comments.

Engineer Carter stated that he will take all of the comments into consider when he revises the plan.

At approximately, 8:50 p.m., the public was invited to make comments and ask questions.

Mr. Donald Cugnasca of 256 River Street stated that he believes that a zoned wetland exists at the property and should be properly identified and shown on the plans.

Ms. Mary Lou O'Leary of 222 River Street stated that she abuts Lot 8 and that the Board should be aware that Lot 8 has wetlands located on it. She expressed her concern about drainage issues.



Mr. Thomas Vorderer of 228 River Street expressed concern about the timing of the abutter notice that he received. He expressed concern about drainage and noted that there already is flooding in the area.

Mr. William Trudeau of 360 Circuit Street expressed concern about drainage issues and stated that there is ground water break out already when it rains and that this already causes icing problems in the winter.

Ms. Irene Horte of 296 Circuit Street expressed concern about drainage issues and noted that there is a well on Barrel Lane that floods onto the road and causes icing in the winter.

Mr. Darryl Mayers of 6 Parsons Walk expressed his concern that Parsons Walk be shown on the plans.

Mr. Donald Cugasca of 256 River Street noted his concern about the ownership of the 5.5 acres of land assessed to the Town. The Board noted that there is litigation over this issue and that inquiries about the status of the litigation may be addressed to the Board of Selectmen. Mr. Cugasca asked about the location of test pits and it was noted that this information must be clarified. He asked about percolation test rates and was told by Engineer Carter that the rates ranged from 10- to 45 minutes.

Mr. Thomas Vorderer of 228 River Street stated that there is a stream on the property and that it should be located on the plan.

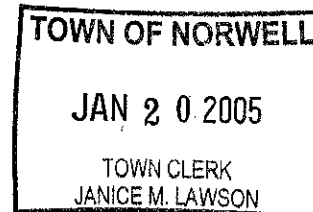
Member Ianiri emphasized the requirement that a compliance plan be prepared and presented.

The Board discussed possible dates for a site walk. The applicant was reminded that the drainage basins and centerline of the roadway must be staked before the walk occurs.

Member Graham moved and Member Ianiri seconded that the Board hold a site walk on Saturday, February 19, 2005 at 8:30 a.m.

Applicant Shute indicated that members of the public are invited to attend at their own risk. Member Joseph noted that the walk is for inspection purposes only and that no testimony will be taken.

Engineer Carter indicated that he intended to revise the plans and wished a continuance that would allow sufficient time for that to happen. The Board explained its submission policy and emphasized that all new submittals must be received 3 weeks before the meeting at which the material is to be discussed, to allow two weeks for technical review and one week for the Board to review the materials and the technical report.



It was emphasized to the applicant that, in order to go forward and discuss revised plans and materials at a March 2, 2005 continuation of the public hearing, the applicant must submit the revised plans and other materials to the Planning Board and to the Board's technical consultant not later than February 9, 2005, so that a technical report can be received not later than February 23, 2005. The applicant will be responsible for getting the materials to Engineer Chessia in time.

Member Graham moved and Member Ianiri seconded that the public hearing be continued to March 2, 2005 at 7:30 p.m. The motion was approved 5-0 and the public hearing was adjourned.

PUBLIC HEARING. Joshua's Landing Subdivision. 9:30 p.m.

All members were present. Also present for the Board was Engineer John Chessia of Coler & Colantonio or Norwell, MA.

Present to support the application were Engineer Michael Carter of GCG Associates of 226 Lowell Street, Wilmington, MA and applicant Donald E. Shute of 41 Fox Hill Lane, Norwell, MA.

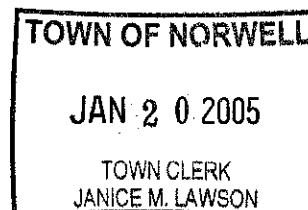
The following names were entered onto the attendance sheet: Mark Aigen of 51 Tiffany Road, Shirley Brown of 199 Tiffany Road, Joseph Bulens of 222 Tiffany Road, John Doe of Pembroke, Albert Guild of 189 Tiffany Road, Leona Guild of 189 Tiffany Road, Michael Hnatkovich of 190 Tiffany Road, Kristina L. Sletner of 96 Tiffany Road.

Member Ianiri read the public hearing notice to open the public hearing.

Engineer Carter noted that, due a mistake made by his office, the proper notifications to the abutters was not sent. He apologized for the inconvenience to the public and to the Board. He discussed possible dates for a continuation of the public hearing with the Board and then asked the Board to accept a written request for an extension of the deadline for final action, signed by Mr. Shute, to extend the deadline to April 1, 2005.

Member Ianiri moved and Member Graham seconded that the Board accept the applicant's written and signed request to extend the deadline for final action on the Joshua's Landing Subdivision to April 1, 2005. The motion was approved 5-0.

Member Ianiri moved and Member Graham seconded that the public hearing on the Joshua's Landing Subdivision be continued to January 19, 2005 at 8:00 p.m. The motion was approved 5-0.



PUBLIC HEARING. Winslow Commons. 9:45 p.m.

All members were present. Also present for the Board was Engineer John Chessia of Coler & Colantonio of Norwell, MA. Present to support the application was Engineer Michael Carter of GCG Associates of 226 Lowell Street, Wilmington, MA. No names were entered onto the attendance sheet:

Member Ianiri read the public hearing notice to open the public hearing.

Engineer Carter noted that, due a mistake made by his office, the proper notifications to the abutters was not sent. He apologized for the inconvenience to the public and to the Board. He discussed possible dates for a continuation of the public hearing with the Board and then asked the Board to accept a written request for an extension of the deadline for final action, signed by him as the applicant's agent, to extend the deadline to April 1, 2005.

Member Graham moved and Member Ianiri seconded that the Board accept the applicant's signed request to extend the deadline for final action on the Winslow Commons Subdivision to April 1, 2005. The motion was approved 5-0.

Member Graham moved and Member Ianiri seconded that the public hearing on the Winslow Commons Subdivision be continued to March 16, 2005 at 7:30 p.m. The motion was approved 5-0.

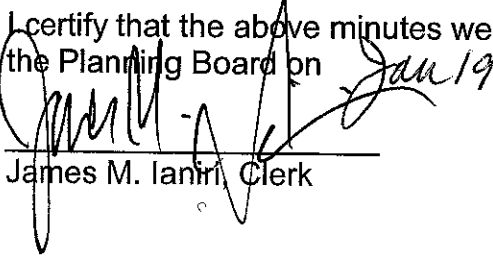
DISCUSSION. Planning Priorities. 10:05 p.m.

The Board discussed its planning priorities and determined that it will prioritize the common driveway by-law, stormwater by-laws, revisions to the subdivision regulations and discuss promotion of walkways.

Adjournment.

At approximately 10:25 p.m., Member Barry moved and Member Graham 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 *Jan 19*, 2005.


James M. Ianiri, Clerk

