

Norwell Planning Board Meeting Minutes
July 20, 2005 Regular Session

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 Town Planner Ilana Quirk. Member James M. Ianiri left the meeting at 8:00 p.m.

DISCUSSION. Agenda. 7:00 p.m.

Member Ianiri moved and Member Barry seconded that the Board approve the draft agenda, with the addition of a discussion regarding stormwater and a construction update. The motion was approved 5-0.

DISCUSSION. Minutes. 7:02 p.m.

July 6, 2005 Minutes.

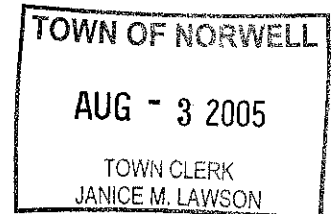
Member Barry moved and Member Joseph seconded that the Board vote to approve the July 6, 2005 minutes. The motion was approved 4-0, with Member Ianiri abstaining.

DISCUSSION. Bills. 7:02 p.m.

Member Ianiri moved and Member Barry seconded that the Board vote to approve the following bills:

Coler & Colantonio:

Barrel Lane:	\$2,455.27
Joshua's Landing:	\$3,932.89
Journey's End:	\$ 462.50
1 Longwater Cir:	\$ 552.50
Turners Way:	\$ 463.59
Wildcat:	\$ 524.96



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

DISCUSSION. White and Perry ANR Plan. Grove and Brattle Streets. 7:10 p.m.

The ANR Plan is entitled: "Plan of Land for 120 and 125 Grove Street in Norwell, Mass.," prepared for David W. and Paul K. White and Ronald P. and June R. Perry, dated June 23, 2005, prepared by Ross Engineering Company, Inc., 683 Main Street, Norwell, MA 02601. The ANR Plan and application were submitted to the Planning Office on July 12, 2005 and submitted to the Planning Board on July 20, 2005. A draft decision, dated July 19, 2005, was distributed to the Board. The Board discussed the ANR Plan and the July 19, 2005 draft decision prepared by staff.

Member Barry moved and Member Joseph seconded that the Board vote to adopt the findings recommended by staff in the July 19, 2005 draft decision and to endorse the June

23, 2005 ANR Plan for 120 and 124 Grove Street ANR Plan, with the exception that the finding, as to the Plan's non-compliance with the wetlands note requirement, also shall include a direction that the Professional Land Surveyor shall be notified in writing by the Board that the PLS shall comply with the regulation as to all future plans. The Motion was approved 5-0.

DISCUSSION. Stormwater By-law Preparation. 7:15 p.m.

Member Graham noted that he has been looking at Duxbury's by-law and at the Westfield By-law and that the members should review the available material for a later meeting that will be scheduled to discuss stormwater.

DISCUSSION. Construction Update. 7:20 p.m.

The Planner gave a report on the progress of construction for Forest Ridge, Laurelwood, Turner's Way and Walnut Tree.

Forest Ridge:

Coler & Colantonio has expressed concern that construction is underway at Forest Ridge, but requests for inspections have not been made on a regular basis. There is also a concern that construction is proceeding very slowly and that the developer should be reminded of the November 15, 2005 paving deadline. The Board directed that a written reminder regarding inspection requirements and the paving deadline be sent to Mr. Arthur Rowe.

Laurelwood and Walnut Tree:

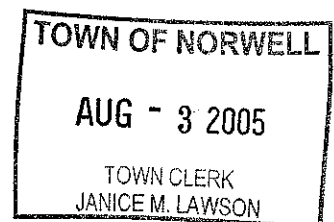
A joint Scituate and Norwell construction inspection is scheduled with the Scituate DPW, the Norwell Planner and John Chessia for July 29, 2005, regarding Laurelwood and Walnut Tree.

Turner's Way:

Construction is underway and proceeding quickly. Engineer Chessia has advised that all necessary inspections have been requested and provided and that the work is proceeding as required.

DISCUSSION. Fall Subdivision Tour. 7:25 p.m.

The members discussed scheduling a subdivision tour during late September. The members will set a date for the tour at the August 3, 2005 meeting.



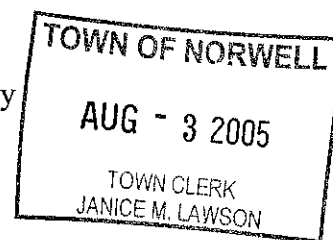
DISCUSSION. Drainage Calculation Reports. 7:25 p.m.

The Board discussed an inquiry from an applicant's engineer as to whether the Board would agree to adopt a policy to reduce the number of drainage calculation reports that need to be filed with each submission.

Member Graham moved and Member Joseph seconded that the Board adopt a policy that the number of full drainage calculation reports that need to be submitted to the Planning Office for subdivision projects may be reduced from the 18 copies required under the Board's Subdivision Regulations to 4 copies (for the file, the Board's technical consultant, the Drainage Committee and the Water Department), provided that 18 summary drainage calculation reports are provided to the Board and provided further that the summary reports include any plans that are included in the full reports. The motion was approved 5-0.

The Board will review this matter when the subdivision regulations are formally amended.

PUBLIC HEARING. Wildcat Hill Subdivision. 7:30 p.m.



All members were present. Professional Engineer John Chessia of Coler & Colantonio, the Board's technical consultant, was present. Member Ianiri recused himself from the discussion.

Member Barry read the public hearing notice and announced the submissions since the last iteration of the public hearing, including multiple documents and materials received from the applicant at 4:00 p.m. today.

Present for the applicant were Attorney William G. Constable, Professional Engineer Bradley C. McKenzie of McKenzie Engineering Group, Inc., and Mr. Paul Gallagher.

Chairman Graham noted that the Board agreed with Attorney Constable on May 25, 2005 to enter into a good faith discussion regarding draft conditions of approval that were prepared by staff that were intended, if the project is approved, to require the project to be built the way that it was designed and approved. The process has been underway for some time now without real progress.

[Historical Note. The Board's minutes indicate as follows.

At the May 25, 2005 public hearing, Attorney Constable requested the Board to consider preparing and adopting a field change process that would provide flexibility in the development process (as to potential changes in contours, building elevations (in relation to seasonal high ground water) and the maximum amount of impervious surface that is allowed). As a result, the public hearing was continued to June 22, 2005, to allow the engineers and the Planner to work on the potential details of such a process.

At the June 22, 2005 public hearing, Attorney Constable requested the Board to consider an impervious surface matrix field change proposal. Engineer McKenzie stated that he would prepare and submit a draft impervious surface matrix by June 27, 2005, so that the draft could be reviewed by the Board's engineering consultant and then discussed at the July 6, 2005 continuation of the public hearing. The Board agreed to this expedited arrangement and continued the public hearing to July 6, 2005.

At the July 6, 2005 public hearing, the Board determined that the applicant did not timely deliver the draft matrix that was discussed at the June 22, 2005 public meeting. The deadline for submission of the matrix was June 27, 2005; however, it was not delivered until the afternoon of June 30, 2005, the Thursday before the July 4th weekend. This left the Board's engineer with only two working days to review the material. As a result, the Board's engineer did not have the necessary time to review the draft June 30, 2005 matrix for the July 6, 2005 public hearing.

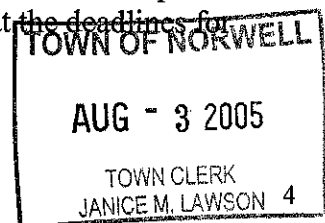
At the July 6, 2005 public hearing, the Board reviewed the July 1, 2005 analysis of the Planner, which indicated that the June 30, 2005 draft matrix omitted some of the impervious surfaces shown on the plan. The Board members stated that they wished to keep the public hearing open until Engineer Chessia had reviewed the June 30, 2005 draft matrix material and provided a report. Engineer Deborah Keller of McKenzie Engineering, Inc., noted that she intended to file an updated draft matrix that would correct the errors in the June 30, 2005 matrix, by adding the missing impervious surface. As a result, the Board agreed to continue the public hearing to July 20, 2005.

End Historical Note]

Chairman Graham noted that, on July 13, 2005, Engineer Chessia provided a technical review of the June 30, 2005 draft matrix prepared by McKenzie Engineering. Engineer Chessia's report stated that the June 30, 2005 draft matrix did not include the impervious surface of the berms that are proposed to run along the sides of the roadways and that more revisions would be needed.

On July 19, 2005, at 7:45 p.m., Engineer Keller provided another updated draft matrix and revised drainage calculations to Engineer Chessia, via e-mail. This material was provided to the Planning Office on July 20, 2005, at 4:00 p.m. Engineer McKenzie explained to the Board that Engineer Keller, Engineer Chessia and the Planner met on July 18, 2005 and that Engineer Keller decided to correct the draft matrix as to both the berm issue and to rerun the drainage calculations again to add more impervious surface. Chairman Graham noted that Engineer Chessia has not provided a report on the July 20, 2005 materials, nor could he have been expected to do so.

Chairman Graham noted that the Board agreed to Attorney Constable's request for a good faith discussion about possible field changes and agreed to do so on an expedited basis and now has continued the public hearing three times, but that the deadlines for



submission of materials have not been met by the applicant. At this point, there is a questions as to whether the process should continue.

Chairman Graham noted that Building Inspector Timothy FitzGerald was invited to attend this public hearing to provide his comments on the draft matrix proposal and asked him to provide those comments.

Building Inspector FitzGerald stated that he discussed the draft matrix proposal suggested by the applicant with Mr. Paul Gallagher and other representatives of the applicant a number of times and with the Town Planner as well.

Mr. FitzGerald stated that he is concerned about the drainage for this project. He expressed strong reservations about the "floating impervious surface" approach proposed by the applicant. He noted that he does not want to be put in a position where he has to be the first one to tell a homeowner that that the homeowner does not own enough impervious surface rights to put up a shed or install a pool. That information must be made clear to the homeowner during the purchasing process. It should not come as a surprise when someone seeks a building permit. He explained to Mr. Gallagher that the only way that this would properly work is for the impervious surface allocation to be completely finished and cast in stone by the time anyone asks for an initial building permit. It should be done before the Planning Board issues a release for a lot.

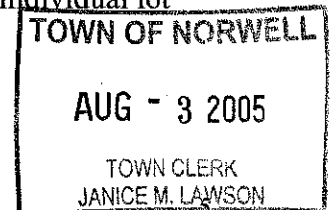
Mr. FitzGerald noted that he is very concerned about the second and later purchasers of lots. How will they be made aware of the impervious surface restrictions? He noted that the language in the deeds must be clear and inform the property owners in layperson's language as to what the restrictions are. The more specific the language, the better, in his opinion.

Mr. FitzGerald noted that this project proposes a severe amount of fill and the soil used will be an issue. How the fill will be brought in, installed and compacted is under his jurisdiction under the Building Code. He wants the applicant to know that there will have to be supervision, under the Building Code, of how the fill is brought in, installed and compacted. He will insist upon supervision and certification of the compaction.

Mr. FitzGerald will insist that the site plan for the building permit applications match what was approved by the Planning Board.

Mr. FitzGerald noted that he understands that the applicant wants to build below seasonal high ground water in some instances. The Building Code allows this, but only with very stringent methodologies. Mr. FitzGerald noted that the applicant must be aware of these requirements and make sure that the purchasers are aware of these requirements.

Member Joseph asked Building Inspector FitzGerald to comment on the June 30th draft matrix plan that shows subareas. Mr. FitzGerald stated that a plan for an individual lot must show all of the subareas are the lot impacts.



Attorney Constable noted that he agrees that, by the time a lot is released by the Planning Board, the final impervious surface number must be established and cast in stone and never change after that. He believes that this would resolve the Building Inspector's issue.

The Planner noted the overall concern that there be an enforceable process that the applicant agrees to, in the way of a deed restriction, that would require a release and that would limit the number of field changes that could be sought as 43 field changes would be a huge and difficult task to administer.

Chairman Graham noted that the Board has been discussing the potentially enforceable process with the applicant for three meetings now. The applicant needs to show the way to how this could work.

Attorney Constable stated again that he agrees that the Building Inspector should not have to judge what impervious surface area is available. It should be established before the first building permit is sought and not ever change after that point, without a modification.

The Building Inspector noted again that he suggests that a lot release process be used. That no lot be released for sale until the impervious surface area is finally determined.

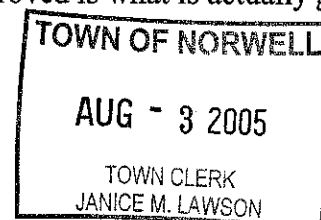
Member Graham noted that the applicant is going to have to explain how the draft matrix has changed to allow for more impervious surface when the initial draft matrix should that there was no more available.

The Planner noted that, during the July 18, 2005 engineering conference, Engineer Keller (who is not present this evening) explained that the revised matrix was going to be based upon revised assumptions. The original calculations were first revised to reduce the assumption as to the amount of lawn and to increase the impervious surface areas. Since the homeowners may cut down trees to increase the lawn, Engineer Chessia and the Planner requested that Engineer Keller revise the calculations to use the more conservative (and likely) approach of reducing the wooded area assumptions while increasing the impervious surface area assumptions.

Engineer McKenzie noted that all of the subcatchment areas were revised in the drainage calculations to significantly increase the impervious surface area and that this was done by reducing the amount of wooded area in the assumptions.

Chairman Graham asked Engineer Chessia to confirm how the calculations could be rerun to allow for more impervious surface area and not increase the size of the basins.

Engineer Chessia noted that the this whole process has come about because the Board wants to enforce the design and make sure that what is approved is what is actually gets built.



The drainage system as designed would work, but the drainage calculations, upon which the applicant relied to design the system, were based upon assumptions that could prove difficult for the purchasers to live with, if all of the assumptions are enforced.

As a result, the applicant's engineers went back and used different assumptions in a way that still allowed the drainage system to work as designed, but is more realistic as to the amount of impervious surface, lawn and wooded area assumptions. The new assumptions probably show much larger houses, etc., but he hasn't reviewed them yet. When he does this type of calculation for a client, he usually assumes 5,000 square feet of impervious surface area and this is larger enough that no one is going to exceed it. Previously, the assumptions used by the applicant were much lower, less than half of that.

So, essentially, the reason why the impervious surface area has gone up, without the size of the basins needing to be increased, is because the outside parameters of the volume delivered to the system has not changed. The only thing that changed was the assumptions as to where the water was coming from (lawn versus wood areas versus impervious surface).

Engineer McKenzie agreed with Engineer Chessia. The drainage system design was not altered. He just changed the internal assumptions, using a trial and error approach. A memo was submitted today to explain the methodology to the Board.

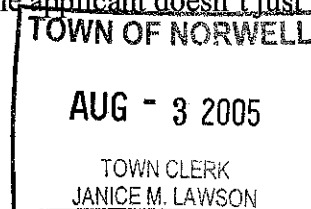
Attorney Constable noted that he understands that Engineer Chessia needs to review the new materials.

Chairman Graham noted that Attorney Constable has to decide whether he wants to pursue this field change process or just establish now what the maximum impervious surface area will be allowed for each lot. Chairman Graham noted that he is willing to keep this process going a bit longer, but this is the third meeting devoted to this field change process idea and we still haven't gotten to the end of it. He noted that, if Attorney Constable wants to continue to spend time pursuing this idea, he should not be disappointed if the outcome is not what he wants. There is no guarantee that the Board will agree to it. Chairman Graham noted his own preference for limiting the number of field changes that could be allowed and then asked for input from the members.

Member Barry noted his strong preference that there be a per lot allocation at the point of approval and that there not be a field change process as the field changes would present an administrative burden that he is not sure that the Planning Board could handle.

Member Joseph stated that she couldn't respond as to whether this process is worth pursuing until after the latest information is reviewed by Engineer Chessia.

Member Turner noted that she doesn't understand why the applicant doesn't just take the extra impervious surface and allocate it now.



Attorney Constable noted that he thinks that the development would be improved by allowing some flexibility, but that if he has to allocate it all now, he will consider doing that.

Member Turner stated her strong preference for a final impervious surface number for each lot at the point of subdivision approval.

The Building Inspector stated his preference for a final impervious surface number for each lot at the point of subdivision approval.

Attorney Constable stated that he is not aware of any Board imposing such a requirement in the past; however, he said that he understood the logic of the requirement.

Member Joseph noted that the reason for imposing the requirement is that this is a marginal site, with high ground water and poor soils, and that it is important that the project be built the way that it is designed.

Attorney Constable stated that he is moving toward the view that a bright line test might be better, but he wants to pursue the field change process a bit further.

PUBLIC COMMENTS. 8:40 p.m.

Ms. Diane Malloy of 31 Wildcat Lane noted that the drainage issues are very confusing for a layperson to understand. She asked whether the post-development runoff is expected, under the calculations to be less than the pre-development runoff.

Engineer McKenzie confirmed that Ms. Malloy's conclusion is correct, the post-development runoff would be less.

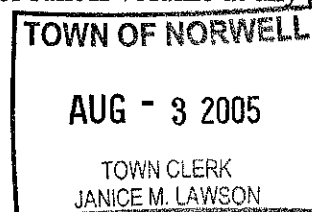
Ms. Malloy asked whether that means that no new flooding will occur.

Engineer McKenzie confirmed that this is the case and that no new flooding is anticipated to occur.

Ms. Malloy asked whether the developer would provide a guarantee that there will be no new flooding and whether the Planning Board would require that a guarantee be given.

Chairman Graham noted that he is aware of no way to require a guarantee and that what the Planning Board does is require that detailed drainage information be provided and that it be subjected to peer review. At this point, the Planning Board is moving toward imposing conditions of approval, if there is an approval, that would require the project to be built as designed.

Member Joseph asked whether Engineer McKenzie can confirm that the project has been designed so that there will be no increase in runoff rate or runoff volume at any point.



Engineer McKenzie responded that this is the case for the Route 3 point.

Member Joseph asked whether there will be no increase in runoff rate or runoff volume everywhere.

Engineer McKenzie responded that the project has been designed to that there will be no increase in rate or volume of runoff anywhere.

Mr. Mark Lupo of 52 Wildcat Lane asked what would happen if Route 3 is widened. Would that impact the drainage for this project, as designed?

Attorney Constable and Engineer McKenzie replied that it would not.

Attorney Constable then addressed Mr. Bill Malloy's recent letter and noted that he provided a response. Chairman Graham noted that he thought the response was thorough. Member Joseph noted that more time on that issue must be provided as the applicant's response was just delivered today.

Debra Bates of 235 Wildcat Lane noted that she is concerned about the traffic increase that has been caused by the YMCA and that she is sure that adding these houses would cause more of a problem.

Chairman Graham noted that traffic has been addressed in a series of traffic reports and found to not cause a problem.

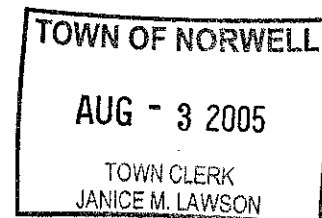
There were no more public comments.

Chairman Graham noted that he wants there to be only one more iteration of the public hearing, if at all possible, and that the next meeting should be scheduled far enough out so that the proper meetings between the engineers and the Planner can take place. Engineer Chessia noted that he can review the materials provided today in two weeks time.

Attorney Constable submitted a written request for an extension of the deadline for final action on the Wildcat Hill Subdivision from September 16, 2005 to October 14, 2005.

Member Turner moved and Member Joseph seconded that that the Board approve the applicant's request and that the deadline for final action on the Wildcat Hill Subdivision be extended from September 16, 2005 to October 14, 2005. The motion was approved 4-0, with Member Ianiri absent.

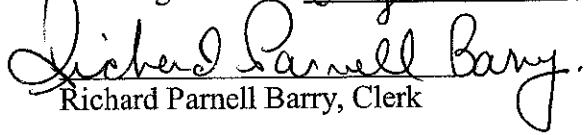
Member Turner moved and Member Joseph seconded that the Board continue the public hearing on the Wildcat Hill Subdivision to September 14, 2005 at 8:30 p.m. The motion was approved 4-0, with Member Ianiri absent.



DISCUSSION. Adjournment. 8:55 p.m.

At 8:55 p.m., Member Joseph moved and Member Turner seconded that the Board vote to 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 August 3, 2005.


Richard Parnell Barry, Clerk

