

Norwell Planning Board Meeting Minutes
July 6, 2005 Regular Session

The meeting was called to order at 7:03 p.m. Present were Board Members Richard Parnell Barry, Bruce W. Graham, Karen A. Joseph and Sally I. Turner and Town Planner Ilana Quirk. Member James M. Ianiri was absent

DISCUSSION. Agenda. 7:03 p.m.

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

DISCUSSION. Minutes. 7:03 p.m.

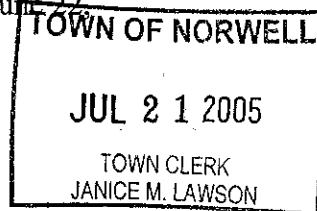
June 22, 2005 Minutes.

Member Turner moved and Member Barry seconded that the Board vote to approve the June 22, 2005 minutes. The motion was approved 4-0, with Member Ianiri absent.

DISCUSSION. Bills.

Member Turner moved and Member Barry seconded that the Board vote to approve the following bills (the two equipment and supply expenditures were approved on June 22, 2005):

Corporate Express:	\$441.58
Postage:	\$115.92
W.B. Mason:	\$499.90



The motion was approved 4-0, with Member Ianiri absent. The Members signed the approved vouchers.

DISCUSSION. Kopacz ANR Plan. Winter Street. 7:05 p.m.

The ANR Plan is entitled: "Subdivision Plan of Land Being a Subdivision of Lot 12, Plan No. 21278F Winter Street, Norwell, MA," prepared for the Kopacz Family Real Estate Trust of 11 Cranberry Lane, Norwell, MA, dated August 6, 2002, as revised through June 17, 2005 and prepared by mr Surveying, Inc., P.O. Box 5104, Norwell, MA. The ANR Plan and application were distributed to the Board members on June 22, 2005 for their review. A draft decision, dated June 28, 2005 was distributed to the Board.

Member Joseph recused herself from discussion and deliberations on the ANR Plan. The Board discussed the ANR Plan and the June 28, 2005 draft decision prepared by staff.

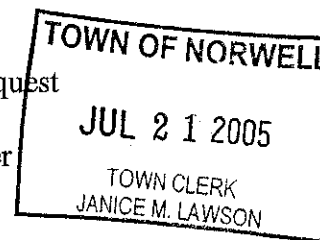
Member Graham moved and Member Barry seconded that the Board vote to adopt the findings recommended by staff in the June 28, 2005 draft decision and to endorse the

Winter Street ANR Plan, dated August 5, 2002, as revised through June 17, 2005, with the exception that the finding as to compliance with a note regarding structures shall be stated as being not in compliance. The Motion was approved 3-0, with Member Ianiri absent and Member Joseph abstaining.

DISCUSSION. Bartlett/CPC River Street ANR. 7:08 p.m.

The ANR Plan is entitled: "Plan of Land River Street in Norwell, MA," dated June 15, 2005, prepared for the Norwell Community Preservation Committee PLS Douglas Aaberg. The ANR Plan and application were distributed to the Board members on June 22, 2005 for their review. A draft decision, dated June 28, 2005 was distributed to the Board and a revised draft, dated July 6, 2005 corrected minor errors. The Board discussed the ANR Plan and the draft decisions.

The CPC requested a waiver of the application fee and the Board discussed the request and noted that the fee would simply come out of one Town account and go into a different one. Member Joseph moved and Member Barry seconded that the waiver request be granted. The motion was approved 4-0.



Member Joseph moved and Member Barry seconded that the Board vote to adopt the findings recommended by staff in the June 28, 2005 and July 6, 2005 draft decisions and to endorse the June 15, 2005 ANR Plan for River Street. The motion was approved 4-0, with Member Ianiri absent.

DISCUSSION. Stetson Shrine Lane ANR Plan/Barry. 7:11 p.m.

The ANR Plan is entitled: "Stetson Shrine Lane," dated May 25, 2005, prepared for John Barry by PLS Peter Tuttle. The ANR Plan and application were distributed to the Board members for their review, together with a draft decision dated June 29, 2005 and a revised draft, correcting minor errors, dated July 6, 2005. The Board discussed the ANR Plan and the draft decisions.

Member Joseph moved and Member Barry seconded that the Board vote to adopt the findings recommended by staff in the June 29, 2005 and July 6, 2005 draft decisions and to endorse the May 25, 2005 ANR Plan for Stetson Shrine Lane. The motion was approved 4-0, with Member Ianiri absent.

DISCUSSION. 212 Washington Street. 7:14 p.m.

All members, except Member Ianiri were present. Member Joseph recused herself from the discussion.

The Board discussed its June 22, 2005 vote to require that the applicant provided an engineered plan in accordance with the requirements of Zoning By-law §1500. The applicant, Mr. Paquette, met with the Planner on June 29, 2005. Mr. Paquette indicated

that he would make a decision and notify the Planning Board as whether he would provide an engineered plan or not. No further information has been received.

Since Zoning By-law §1500 requires that action be taken forthwith, the Board discussed sending its recommendation to the Board of Appeals that the application be denied without prejudice, as an engineered plan has not been received.

Member Graham moved and Member Barry seconded that the Board vote to send a letter to the Board of Appeals recommending that the Board of Appeals deny the site plan application, without prejudice, as the required engineered site plan as not been submitted. The motion was approved 3-0, with Member Ianiri absent and Member Joseph abstaining.

DISCUSSION. John Neil Drive Subdivision. Return of Review Fees. 7:20 p.m.

All members were present, except Member Ianiri. The Board reviewed the status of the project and determined that it was no longer necessary to retain any funds in the review fee account.

Member Barry moved and Member Joseph seconded that the Board vote to return \$1,777.92 to Mr. David and Ms. Elvoid Mayers. The motion was approved 4-0.

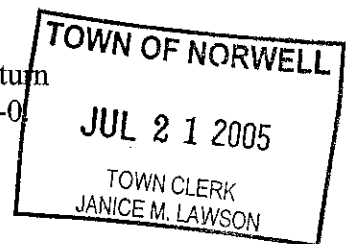
DISCUSSION. Insurance Coverage Issues. 7:22 p.m.

All members, except Member Ianiri were present. Member Graham reviewed a draft resolution, dated May 12, 2005, on the issue of insurance coverage for town employees and appointed and elected town officials. A member of the Board of Assessors raised the issues of whether the Town should reimburse the cost of business coverage and/or the cost of the deductible if the operator is less than 50 percent at fault.

The Board discussed the draft resolution. Member Barry moved and Member Graham seconded that the Board vote to send a copy of the resolution to the Board of Selectmen with the recommendation that paragraph 1 of the resolution, which would create a policy of reimbursement for business insurance coverage, be adopted and that the paragraph 2, which would create a policy of reimbursement of deductibles incurred under certain circumstances, not be adopted; and to recommend that the Selectmen investigate whether any such policy should cover just full-time employees or whether it should also cover part-time employees and/or appointed and elected officials. The motion was approved 4-0, with Member Ianiri absent.

**DISCUSSION. Brattle Street (aka Bramblewood Subdivision). 7:28 p.m.
Site Plan review of Lots 3 and 4**

All Members were present, except Member Ianiri. The Board reviewed the site plans for Lot 3 (a septic plan dated June 3, 1999) and Lot 4 (a septic plan dated May 25, 1999) and



the July 1, 2005 report of Coler & Colantonio, Inc., which indicated that the site plans are in order.

Member Barry moved and Member Joseph seconded that the Board vote to approve the site plans for Lots 3 and 4. The motion was approved 4-0, with Member Ianiri absent.

PUBLIC HEARING. Joshua's Landing Subdivision. 7:35 p.m.

All members were present, except Member Ianiri. Member Barry read the public hearing notice and announced the submissions since the last iteration of the public hearing.

Present for the applicant were Applicant Donald E. Shute, Engineer Michael Carter of GCG Associates, Traffic Consultant David Friend and Attorney Paul McAuliffe.

Engineer Carter presented a 10-paged letter, dated July 7, 2005, in response to the June 28, 2005 Coler & Colantonio, Inc. technical report. Engineer Carter asked for clarification on the comment by Engineer John Chessia of Coler & Colantonio regarding the 3-inch orifice for the drainage outlet. The Board members indicated that they agreed that a larger orifice than the 2-inches proposed is necessary. Engineer Carter noted that he believes that, with minor changes, the drainage calculations will be approvable.

Traffic Consultant David Friend made a presentation. He stated that the area in question is safe for the proposed development. He noted that the 85th percentile standard is not fully satisfied, but opined that, with proper warning signage, there would be no problem.

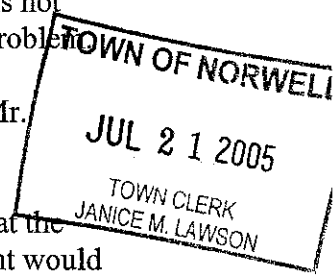
Member Joseph asked about left hand turns and the impact of a nearby school. Mr. Friend stated that the estimated turns are not specific to potential destinations.

Applicant Shute noted that he agreed with the suggestion by Engineer Chessia that the roadway entrance be directly opposite Trout Brook Lane and that the development would be safer with this change.

The Board reviewed the waivers requested by Mr. Shute and indicated that the members would look favorably on the seven waivers requested. The seven requested waivers were:

§3.3.4 Scale of Lot Layout Plan. The regulation requires a scale of 1"=40'. A waiver is requested to reduce the scale to 1"=60'. Member Joseph noted that she would not vote for this waiver for a larger project, but sees the utility for this type of project, so that one sheet will show all of the lots. The applicant and his engineer were reminded that the Board typically requires that all sheets be recorded.

§3.3.4.8 Location of large trees. The regulation requires that large trees be shown. The large trees have been shown within the roadway layout. A waiver is requested to eliminate showing large trees on the remainder of the site.



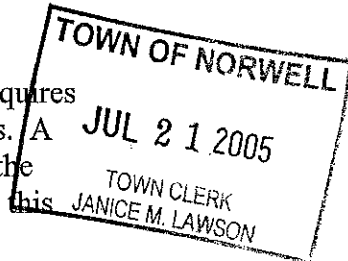
The Board has routinely granted this type of waiver.

§3.3.4.12 Wetland Profile. The regulation requires that a profile and cross-section of natural wetlands be provided. A waiver is requested to eliminate this requirement. The Board agreed to grant this waiver as the wetlands do not cross the road and because the necessary data is set forth in the drainage calculations.

§3.3.4.13 Contours. The regulation requires that contour intervals shall be one foot where slopes are less than 5% and five foot in other circumstances. A waiver is requested to allow 2' contour intervals. With Engineer Chessia's advice, the Board members determined that 2-foot contours for this site would be appropriate and provide the necessary information.

§4.8.1 Dead-end Street Limit. The regulation requires that a dead-end street shall not exceed a maximum of 500. A waiver is requested to allow a 965-foot long dead-end roadway. No fire lane is proposed. Member Turner noted that she would want to see an emergency access easement over the utility easement shown on the plan to allow for a fire lane to be constructed later if there is adjacent development. The members determined that they would reluctantly grant this waiver, with the emergency access easement. Applicant Shute agreed to provide the easement.

§4.1 Preservation of Existing and Natural Features. The regulation requires that consideration shall be given to the preservation of large trees. A waiver is requested to allow the plan to only show large trees in the roadway layout. As under §3.3.4.8, the members agreed to grant this waiver.



§4.31 Trees and Plantings. The regulation requires that street trees shall be planted at 50-foot intervals. A waiver is requested for the spacing of trees on Lot 8. The Board members agreed that this waiver was permissible but asked for the request to be refined to indicate where the trees would go and what kind of trees they are proposed to be. The Board also asked that Applicant Shute relocate the trees from the Edison easement to other places on the plan as the utility company will just cut them down.

WAIVERS NOT REQUESTED, BUT C&C NOTES NON-COMPLIANCE

§3.3.4.11 The regulation requires a roadway cross section on the profile sheet. The roadway cross-section is not on the profile sheet; instead, it is located on a separate sheet, with a note on the profile sheet as to its location. The Board members agreed that this waiver is routinely given.

§4.28 Driveway Entrances. The regulation requires that driveways shall not be within 75 feet of the intersection of the centerlines of intersection streets. There appears to be a driveway within 75 feet of the proposed, new intersection. The Board members agreed that this waiver could be granted, but only because of the unusual configuration of the driveway in question, which has an outlet on Trout Brook Lane and does not require that the property owner exit out onto Norwell Avenue.

Edison Easement. Attorney McAuliffe agreed to provide a written opinion that the proposed subdivision work will not be "inconsistent" with the Edison easement, which prohibits any activity that is "inconsistent" with its stated purpose.

Engineer Carter indicated that he needs to revise the plan one last time and needs two weeks to do so. The Board looked at the summer calendar and discussed dates and deadlines with the Board.

Chairman Graham asked for public comment and there was none.

Applicant Shute requested, in writing, that the Planning Board extend the deadline for final action on the project to October 14, 2005. Member Barry moved and Member Joseph seconded that the deadline for final action be extended, at the Applicant's request, to October 14, 2005. The motion was approved 4-0, with Member Ianiri absent.

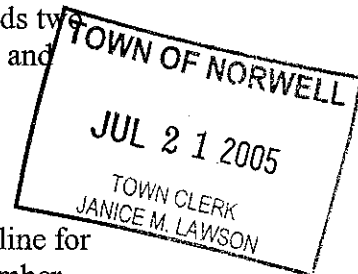
Member Barry moved and Member Joseph seconded that the public hearing to September 14, 2005. The motion was approved 4-0, with Member Ianiri absent.

PUBLIC HEARING. WILDCAT HILL SUBDIVISION. 9:05 p.m.

All Members were present, except Member Ianiri. Present for the Applicant were Applicant William Constable, Esq., Engineer Deborah Keller of McKenzie Engineering Group, Inc. and Jay Gallagher.

Member Barry read the public hearing notice and announced the materials submitted to the Planning Board since the last substantive portion of the public hearing on June 22, 2005. Member Barry read an e-mail from Building Inspector FitzGerald objecting to the matrix draft, as explained to him by Mr. Gallagher.

The only topic for discussion is the draft matrix provided by Engineer McKenzie on Thursday, June 30, 2005. Chairman Graham noted that the matrix draft was late and that it was due to be received not later than Monday, June 27, 2005; and, as result of being late, has not been reviewed by the Board's engineering consultant. Chairman Graham noted that one option is to simply close the public hearing and make a decision. Attorney Constable indicated that he wished to have an opportunity to present the matrix. The other members noted that they wished the public hearing to remain open to receive comment from Engineer Chessia on the draft matrix.



Attorney Constable noted that he proposes that every lot have a specific amount of impervious surface area assigned to it and noted on the plan, but that the individual purchasers of the lots would have an opportunity to receive additional allotments, from the Homeowners Association or developer, whoever owns the rights to the additional amounts. He noted that no trading would be allowed between individual owners and that no lot owner could reduce the original amount assigned to the lot. There are 12 subareas and he would propose a field change process for each, except for the areas with zero additional area. So, he would envision a process that would allow a field change to allow the excess 2 square feet in one of the subareas.

Engineer Chessia noted that he needs to check the drainage calculations used, to make sure that they match what was previously reviewed by him. Member Joseph indicated that she was not prepared to go forward to discuss the matrix since it was received so late, far later than agreed upon, and she could not open the folder that the matrix was contained in and she wants to see Engineer Chessia's report.

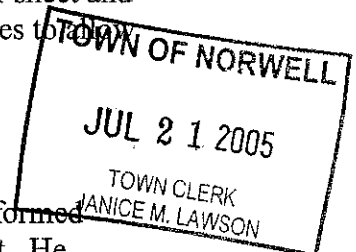
Member Turner noted that this process is a new one and the model for later subdivisions of this type is being create and that doing so is necessary because the developer has chosen to design a drainage system that is so tight. She noted her opinion that the impervious surface numbers for each lot need to be on the plan and on a master sheet and that everything needs to be recorded at the Registry with the proper margin notes to proper cross-referencing.

PUBLIC COMMENTS

Mr. Daniel Johnson of 43 Centennial Way stated that, after the Applicant performed percolation testing at the Property, he experienced drainage problems on his lot. He asked what recourse he would have if the Wildcat drainage system were to fail and cause damage on his property. Chairman Graham noted that recourse would probably lie against the Homeowners Association, but it was noted that no legal advice could be provided to him.

Mr. William Malloy of 31 Wildcat Lane asked whether the traffic questions he submitted at the June 22, 2005 meeting have been addressed. Attorney Constable noted that he has not responded to the questions. Member Joseph noted that some of the questions were discussed previously and the regulations do not require that a construction plan be provided at this stage and most of the questions would be addressed by that plan. Member Joseph noted that if there is damage to Wildcat Lane, the applicant is going to be responsible for fixing the damage. Attorney Constable agreed that that is the case. Chairman Graham asked Attorney Constable to provide a response before the next meeting.

Mr. Robert Lannin of 187 Pine Street stated his concerns about the "floating allocations" for extra impervious surface. He stated his opinion that the Planning Board should not allow such a proposal and that it would be a nightmare to administer. Chairman Graham noted that this proposal is under discussion still and no decision has been made yet. The



Board members discussed the need to obtain further input from the Building Inspector, regarding this proposed process. The Building Inspector will be invited to attend the next portion of the public hearing to discuss this issue.

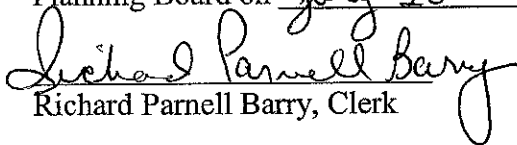
The Board discussed the deadline for final action with the Applicant. Attorney Constable requested, in writing, that the Board extend the deadline for final action to September 16, 2005. Member Joseph moved and Member Barry seconded that the Board extend the deadline for final action on the Wildcat Hill Subdivision to September 16, 2005, as requested by the Applicant. The motion was approved 4-0, with Member Ianiri absent.

Member Joseph moved and Member Barry seconded that the public hearing for the Wildcat Hills subdivision be continued to July 20, 2005 at 7:30 p.m. The motion was approved 4-0, with Member Ianiri absent.

DISCUSSION. Adjournment. 10:10 p.m.

At 10:10 p.m., Member Barry moved and Member Joseph 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 July 20, 2005.


Richard Parnell Barry, Clerk

