

Norwell Planning Board Meeting Minutes
June 22, 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.

DISCUSSION. Agenda. 7:00 p.m.

Member Ianiri moved and Member Joseph seconded that the Board approve the draft agenda. The motion was approved 5-0.

DISCUSSION. Minutes. 7:00 p.m.

June 8, 2005 Minutes.

Member Ianiri moved and Member Joseph seconded that the Board vote to approve the June 8, 2005 minutes. The motion was approved 5-0.

DISCUSSION. Purchase of Office Equipment. 7:02 p.m.

The Board has additional funds in the budget and discussed a proposal to purchase a storage closet and two lateral file cabinets and office supplies, including paper and printer cartridges.

Member Ianiri moved and Member Barry seconded that the Board approve these expenditures, in an amount of \$944.69. The motion was approved 5-0.

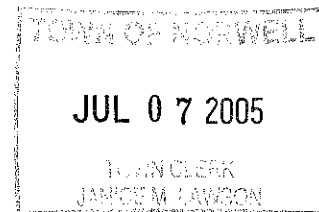
DISCUSSION. Master Plan. 7:04 p.m.

Member Graham gave a brief update and informed the Board that the Master Plan has not been printed yet, but he expects it will be ready by September. He signed a letter notifying the Accountant that the remaining funds in the Master Plan budget are still encumbered.

DISCUSSION. Bills. 7:06 p.m.

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

Coler & Colantonio, Inc.	
Barrel Lane:	\$2,700.52
Black Pond:	\$ 441.19
Joshua's:	\$1,169.98
Laurelwood:	\$ 440.38
Turner's Way:	\$ 627.38
Wildcat Hill:	\$4,011.93



Planner Mileage: \$ 37.65
(6/1 to 6/21)

Bond Printing \$ 144.00
(Letterhead)

The motion was approved 4-0, with Member Turner abstaining. The Members signed the approved vouchers.

DISCUSSION. Kopacz ANR Plan. Winter Street. 7:10 p.m.

The Board was informed that an ANR Plan was delivered to the Planning Office on June 21, 2005. 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 for their review and will be scheduled for action on July 6, 2005. Since the ANR Plan was submitted at this meeting, the deadline for final action will be July 13, 2005.

Member Ianiri moved and Member Barry seconded that the Board accept the Kopacz Winter Street ANR Plan for submission purposes and that action regarding the plan be scheduled for July 6, 2005. Member Joseph recused herself from acting on this matter. The Motion was approved 4-0, with Member Joseph abstaining.

DISCUSSION. 212 Washington Street. 7:10 p.m.

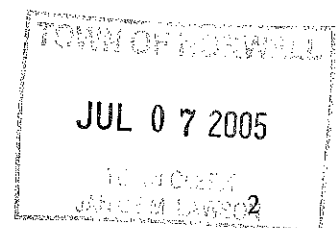
All members were present. Member Joseph recused herself from the discussion.

The Board discussed the site plan review application for 212 Washington Street. The applicant has not presented an engineered plan and proposes that no technical review be required for the proposal that a nonconforming used car sale use be increased from 7 cars to 15 cars. The Board discussed the need to make sure that the drainage at the property works and to take steps to properly delineate the right of way that leads to the trailer park and provides the park's only access.

Member Ianiri moved and Member Barry seconded that the Board vote to require technical review and to require that the applicant provided an engineered plan in accordance with the requirements of Zoning By-law §1500. The motion was approved 4-0, with Member Joseph absent.

DISCUSSION. Edgewood Park. 7:15 p.m.

All Members were present. Ms. Mary V. Williams and Mr. Matthew Williams were present. Member Graham recused himself from the discussion.



Lot Release Request

The Board reviewed Ms. Williams' request that the remaining lots in the Edgewood Park Subdivision (formerly Journey's End) that are held under the subdivision covenant be released from the covenant in exchange for money-based surety. The Board reviewed the June 14, 2005 surety report from Coler & Colantonio, Inc., which recommended a surety amount of \$37,000.00.

Member Ianiri moved and Member Barry seconded that the Board voted to release the remaining lots from the subdivision covenant for the Edgewood Park Subdivision (formerly known as Journey's End), in exchange for \$37,000.00 in cash surety that shall be posted hereafter and with the Board to sign the lot release instrument now, but for it to be held in escrow until the required surety is received. The motion was approved 4-0, with Member Graham abstaining.

Sidewalk Field Change Request

The Board discussed Ms. Williams' request for a field change to allow the gravel path shown on Lots 1 and 2 on the endorsed subdivision path to be eliminated in favor of a sidewalk that shall conform to the Board's typical requirements and that shall be constructed in the right of way for the subdivision way adjacent to Lots 1 and 2, so that a continuous sidewalk shall be provided. Member Ianiri moved and Member Barry seconded that the request for a field change be granted. The motion was approved 4-0, with Member Graham abstaining.

DISCUSSION. Brattle Street (aka Bramblewood Subdivision). 7:25 p.m.

All Members were present for the discussion.

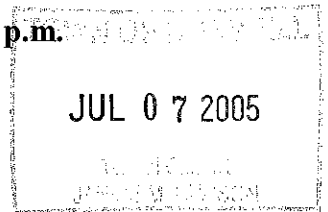
Site Plan Review.

The Board discussed Mr. Collin's inquiry as to what type of site plan is required for Lots 3 and 4 under the subdivision approval for Brattle Street (also known as Bramblewood Subdivision). The Board members agreed that they want to see an engineered plan, but that a full site plan review under Zoning By-law §1500 is not required. They noted that an engineered septic plan would be sufficient, provided that it shows the entire lot.

Member Ianiri moved and Member Barry seconded that the Board instruct Mr. Collins that an engineered septic plan, that shows the entire lot and is stamped by an engineer, will be sufficient for the Board to conduct the required site plan review. The motion was approved 5-0.

Sidewalk Field Change.

The Board discussed Mr. Collin's request that the Board grant a field change request that would eliminate the requirement that a sidewalk be built on one side of the subdivision



way and that the Board, instead, accept funds that would be paid into the Pedestrian Enhancement Fund. There was a discussion about an alternative sidewalk being constructed along Grove Street; however, the Members agreed that there were issues of ownership and control regarding whether that could happen and that they believe, in any event, that it would not be an even substitute, even with the payment of funds into the Pedestrian Fund.

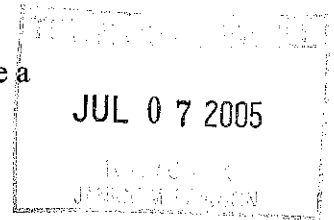
Member Ianiri moved and Member Barry seconded that the Board vote to deny the request for a field change. The Motion was approved 5-0.

PUBLIC HEARING. WILDCAT HILL SUBDIVISION. 7:30 p.m.

All Members were present. Member Ianiri recused himself and left the Planning Board meeting to attend the Board of Selectmen's meeting to represent the Planning Board's position regarding the Donovan Farm snowplowing petition.

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.

Engineer Bradley C. McKenzie of McKenzie Engineering Group, Inc. made a presentation on behalf of the applicant.



Phasing

Engineer McKenzie noted that the applicant has made the decision that a request that the project be phased will not be made at this time. If such a request is to be made, it would be made at some point in the future and the request would require a subdivision modification. Attorney William G. Constable, Executive Vice President for A.W. Perry and CASA Development, Inc., spoke as the applicant and noted that any attempt to phase would involve more work and, as a result: "It makes no sense to phase the project right now."

Drainage Issues

Engineer McKenzie noted that he and John Chessia, the Planning Board's Engineer, and the Planner have been discussing potential conditions of approval since the last iteration of the public hearing. The discussion has focused on language concerning drainage requirements. Draft language, labeled Condition 44 and Condition 44A has been circulated between the engineers and the Planner and now has been circulated to the Planning Board and members of the public in the form of a draft dated June 17, 2005.

The June 17, 2005 draft language notes that the seasonal high ground water at the property is high and the soils are not capable of absorbing much drainage. This is what led to the proposal that there be a wastewater treatment plant, four drainage basins and a huge amount of fill to establish specific contours that will pitch the water to specific basins that handle the flow and keep the dwellings out of the ground water, to avoid the

need for lot owners to pump ground water which then would have not where to go, except into the system's drainage system, which has not been designed to handle that flow.

Contour Requirements

Engineer McKenzie noted that the draft allows for a field change process for the final contour requirements and the applicant is fairly satisfied with that language, but requests that if the sketch is rejected that a lot owner have the opportunity to provide drainage calculations. He noted that the applicant wants to expand on the field change approach.

The Planner noted that if all 43 lot owners seek field changes that would be a huge burden for the Town. If all 43 lot owners were to seek three different field changes at different times that would be an even bigger burden. Attorney Constable stated that he thought that the field changes would be sought by an owner all at the same time.

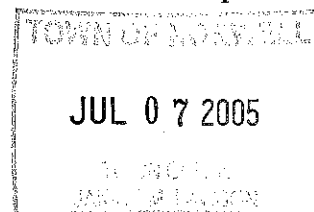
Impervious Surface Maximums

The drainage calculations, which form the basis of the design of the proposed drainage system, rely upon a maximum impervious surface average of .1 of an acre per lot. Conditions 44 and 44A, as drafted on June 17, 2005, would require that the plan be revised to show the maximum impervious surface allowed for each lot and impose a requirement that the maximum shall not be exceeded for any lot.

Engineer McKenzie explained that the applicant wishes to use a field change request procedure to deal with the impervious surface requirement. Attorney Constable noted that some lot owners will have less than .1 of an acre of impervious surface, leaving more impervious surface available for another lot owner. Attorney Constable requested that a development-wide aggregate impervious surface allowance be developed and that each lot owner would draw down the allowance until none was left. If that meant that the allowance was spent before all of the lots were built upon, then the final lots would not be able to be built upon.

The Planner noted the potential difficulty for the Building Inspector in administering such a scheme. The problem is that if everyone exceeds the average impervious surface number relied upon in the drainage calculations, then the drainage won't work. The proposal suggested would allow the applicant to sell off all of the lots and leave the Town to deal with 43 lot owners competing over the impervious surface allowance.

Member Turner noted that the only workable way to accomplish the proposal would be to give each lot owner a budget and then provide a process to allow them to exceed the budget for the owner's lot, provided that they can establish that they have the right to use remaining amount of impervious surface. Member Turner noted that she is not comfortable just leaving it to the developer to perform the allocation. She stated that she wished to see an overall budget and wished to see a specific allocation on the plan for each lot.



Engineer Chessia noted that the idea of establishing a budget for the impervious surface for the entire project would not work. It could only be done by establishing a budget for the individual subcatchment drainage areas. There would have to be a matrix that showed the maximum impervious surface for each such area and then each lot would have a minimum share (sometimes in more than one area, since some of the houses sit on top of a drainage divide) and then, to exceed that minimum share, they would have to prove that additional impervious surface is left in the overall budget and that they have the right to use it.

The Members noted that there would have to be a process that would prevent lot owners from storming the building inspector's office stating that were there first to claim a portion of the "extra" impervious surface budget.

Attorney Constable stated that the applicant would set up an overall budget for the various subcatchment areas and then restrict the deeds for the individual lots to a specific budget and then manage the extra amount.

The Planner suggested that the lot owners be allowed to go forward with the minimum amount and only need a field change if they exceed it. That minimum amount should be reflected on the plans.

Attorney Constable stated that the applicant would include a restriction in each deed of @ 80% or 90% of the .1 acre of impervious surface and then each lot owner would have to obtain the right to extra impervious surface from the applicant.

Attorney Constable agreed that the applicant will provide a draft matrix for the impervious surface minimums and maximums and present it for consideration.

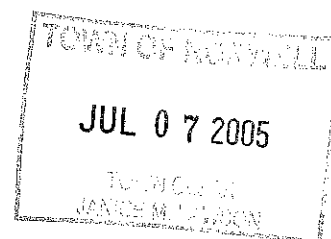
Groundwater

Engineer McKenzie noted that the applicant proposes that the Board allow a field change process to allow individual lot owners to build a structure in the ground water if a lot owner can prove that the pumped ground water can be controlled on site.

Engineer Chessia noted that he opposes this approach. It opens the door to misleading prospective purchasers that they can obtain a field change that cannot be granted. The ground water is high and most of the lots have soils that cannot absorb pumped groundwater. Creating the impression that people can do it, when they can't, in the vast majority of the instances, would be problematic.

Engineer McKenzie noted that some of the lots near Wildcat Lane would be capable of taking pumped ground water. Member Joseph noted that there are not many of them.

Field Changes



Attorney Constable noted that he objects to the cost of the field changes that is proposed. When people are building houses, they are short of cash and the Board should not use the field change procedure to build revenue. The Planner noted that a \$250.00 application fee should not be a burden and would not be a revenue generator. Also, the additional cost involved is to build a review fee escrow account that the Board then draws on and returns the excess when the project is over. Attorney Constable noted that the review fee asked for is high, \$1,500. The Planner noted that subdivision applicants frequently run negative balances in their review fee accounts, even though the required amount of \$5,000 is much higher. Attorney Constable acknowledged that the Wildcat Subdivision project has run a negative balance on several occasions, but that he, with the assistance of the Planning Office reminding him, has managed to bring the balance back up before there was a serious problem. The Planner noted that trying to manage 43 field change accounts to make sure that the review fee balance stays current would be a greater challenge than dealing with subdivision projects.

Public Comment

Chairman Graham opened the discussion to the public, but noted that discussion should be limited to the topic of drainage.

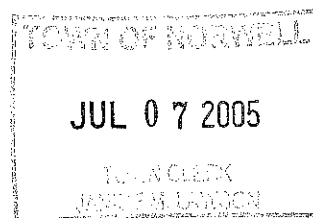
Mr. Robert J. Lannin of 187 Pine Street noted that he is concerned that a restrictive covenant be required regarding the maximum impervious surface and to make sure that the covenant continues to be enforced in years to come. The Board noted that this is the intention.

Mr. William F. Malloy, Jr. of 31 Wildcat Lane noted that he has a list of questions that he wishes to submit regarding his traffic concerns. The Board accepted the list and a copy was provided to the applicant and to Engineer Chessia.

Mr. Mark A. Lupo of 52 Wildcat Lane noted that he is an electrical engineer and that he is concerned that the drainage calculations are aggressive to begin with and then to try to manage them aggressively with people competing for extra impervious surface would be difficult. He asked if there was a error tolerance built into the drainage calculations. Member Graham noted that the calculations have been peer reviewed already.

Mr. Lupo asked what economic impact would result if the impervious surface was used up before all the lots were built. Member Graham noted that developing land involves risks and risk of economic loss is something that every applicant must be prepared to accept. The risk to the town is minimized by the imposition of surety that is required by statute to guarantee completion of the road and municipal services.

Mr. Malloy expressed his continuing concern about the idea of phasing the project. The Board and the applicant noted that the applicant already has agreed that it does not seek permission to phase the project at this point.



Mr. Malloy expressed his continuing concern about the applicant's request that the Board allow the applicant a full six years to complete the project instead of three. Attorney Constable noted that the applicant agreed at the last meeting not to object to the idea of a three-year limit.

Engineer McKenzie stated that he would be ready with the matrix for the impervious surface maximums by Monday, June 27, 2005. Engineer Chessia stated that it would not take long for him to review and comment on the matrix.

The deadline for final action presently is August 19, 2005 and Attorney Constable stated that he did not want to ask for an extension at this time.

Member Joseph moved and Member Barry seconded that the public hearing be continued to July 6, 2005 at 8:30 p.m. The motion was approved 4-0, with Member Ianiri abstaining.

PUBLIC HEARING. Barrel Lane. 8:35 p.m.

All members were present. Member Barry read the public hearing notice and announced the materials submitted since the last iteration of the public hearing.

Chairman Graham explained the procedure that would be followed, that the applicant's engineer and the Board's engineer would make presentations and then the public may ask questions and make comments. Before proceeding with that, however, Member Graham stated his concern to the applicant that the process has been going on a long time without the engineering being nailed down and without a sufficient compliance plan being provided. The applicant needs to finish by coming up with a final plan, so that the hearing can be closed and a decision made.

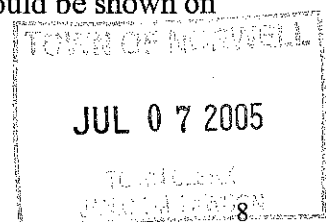
Engineer Michael Carter of GCG Associates made a presentation for the applicant. Engineer Carter stated that he feels differently and thinks that the project has moved forward by leaps and bounds. He stated that mainly housekeeping issues remain and he thinks they can be easily resolved.

Engineer Carter provided copies of a 17-paged memo, dated June 22, 2005, that set out his responses to Engineer Chessia's June 1, 2005 technical report. Engineer Carter reviewed the June 22, 2005 memo between 8:40 p.m. and 11:00 p.m.

During Engineer Carter's presentation the following comments were made.

The Planner noted that the abutters are still not correctly shown on the plan. Engineer Carter stated that he would make the corrections.

Member Joseph noted that the existing conditions (driveways, etc.) should be shown on all sheets. Engineer Carter stated that he would comply.



Member Joseph noted that the first 5 or 6 sheets of the plan are missing north points and that all of the contours need to be checked and the proper match lines provided.

Engineer Carter stated that he did not understand Engineer Chessia's comment, regarding Regulation §3.3.4.7. Engineer Chessia stated that since there is no gutter line in Circuit Street, so the runoff must be managed and controlled to prevent flooding.

Member Joseph asked that the notation on the plan on Sheet 10 of 15 of a 60-inch tree in the right of way for the roadway be researched to confirm that there is such a tree and what species it is and whether a change should be made to save it. Regulation §3.3.4.8.

Engineer Carter noted that the cut and fill specifications were missing from his earlier presentation. He apologized and presented the specifications. He stated that none of the lots would intercept groundwater.

Member Joseph asked for the amount of fill for the roadway. Engineer Carter stated that there will be a total of 68,000 cubic yards of fill and the roadway would take @10,000 cubic yards.

Engineer Chessia noted that the last plan he reviewed had lots that would intercept ground water. He also noted that just requiring that the houses be sited about the ground water would not solve the ground water problem. All of the grading for the entire site has to be taken into account. If the houses are all filled, then there will be depressions that would be created unless the grading is looked at as a whole.

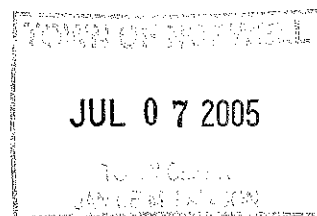
Member Joseph expressed her concern that the plan does not provide for enough impervious surface. She gave the parking for the driveways as an example. She believes it is not enough to allow cars to turn around and avoid backing out of the driveways.

Engineer Carter stated that he believes the parking areas are sufficient to allow a car coming out of the garage to back out and turn. Member Joseph noted that her concern is for vehicles parked in the driveway. It is not realistic to think that people won't park their cars in the parking area outside the garage.

Member Joseph noted that she would want to see the impervious surface maximums for each lot (that were used as assumptions in the drainage calculations that were used to design the drainage system) be put in a deed restriction. Applicant Donald E. Shute responded: "That sounds reasonable to have a limit. There will be a maximum. That's reasonable. Very reasonable."

Member Graham noted that the Board spent a great deal of time on this issue with the Wildcat applicant and is working on an idea that would involve an impervious surface cap for the subcatchment drainage areas along with an enforcement mechanism.

Mr. Shute stated again that this sounds reasonable and the Board agreed to forward the draft language to him.



Engineer Carter noted that a dead-end street length waiver is sought. Member Turner noted that she would prefer to see a fire lane before granting such a waiver. Member Ianiri stated that he needed to see the compliance plan before he could vote on it.

The Board discussed potential conflicts between the ANR lots and the construction of the road. The concern is that, if an ANR lot, over which the Board has no control, is built before the road, then septic systems and retaining walls, etc., may conflict with and hamper construction of the road. Mr. Shute stated that he would control this. The Board noted that the Board needs control over this. Mr. Shute stated that he would try to work out a restrictive covenant that would work. There was a discussion that this would be very simple if the ANR lots were simply part of the subdivision. Mr. Shute said that he would think about this.

The Board discussed clearing issues under §4.11. Engineer Chessia stated that he wanted to see more realistic clearing that reflects the maximum that could be cleared and include that in the drainage calculations.

There was a discussion regarding drainage with a conclusion that new drainage calculations will be necessary to show more accurate information regarding Hickory Hill and the proper times of concentration.

Mr. Thomas Vorderer of 228 River Street noted his concern about the potential location of a house to the rear of Lot 8. The proposed location has been moved to the front of the lot, but it still could be changed to the rear. Engineer Carter agreed to show the drainage calculations with an assumption that the house would be at the rear, since that would create more impervious surface.

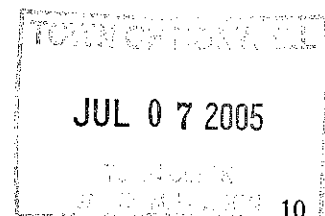
Mr. Jonathan W. Detwiler of 152 River Street noted that there will be an increase in the slope that is running toward his land. Right now the water stays in the ground, but he is concerned that increasing the slope would cause water to run to his property. Engineer Carter noted that the drainage will be controlled on site.

Mr. Voderer noted that his concern is the off-site impact of drainage.

Ms. Karen Johnson of 238 River Street noted her concerns about off-site drainage also.

Mr. Robert Littlehale of 140 River Street noted that a river runs down his driveway and floods the field nearby during the spring. He is very worried it will get worse.

Engineer Carter noted that he will rerun the drainage calculations and change the time of concentration regarding Hickory Hill and will use the most conservative clearing estimates and the most conservative location of the house on Lot 8.



Chairman Graham noted that the Planning Board requires peer review of drainage calculations and grading plans. It is the main focus of the review and the Board will do its best to make sure that it works.

Engineer Carter asked about piping problems and Engineer Chessia explained that the channel can meander to solve the problem.

Engineer Carter noted that the driveway proximity problem could be resolved by angling the roadway entrance to a 60-degree angle and avoid a driveway being within 75 feet. The sight distance still would be safe.

Engineer Carter presented the compliance plan. The members wanted to know how much more road would there be than with the waiver plan. Engineer Carter stated that the compliance plan would have 700 feet more of roadway and require the houses to go closer to the wetlands.

Member Barry asked Engineer Carter to identify the tree species on the plan. Engineer Carter agreed to do so.

Member Turner repeated her desire to see a fire lane in order to have the dead-end street.

Member Ianiri noted that he would prefer to see the ANR lots as part of the subdivision. He will look at the Fire Chief's comments and the wetlands issues when voting on the dead-end street length.

Member Joseph stated that her main concern is drainage. She asked for the location of the monitoring wells. Engineer Carter stated that he would show them on the plan.

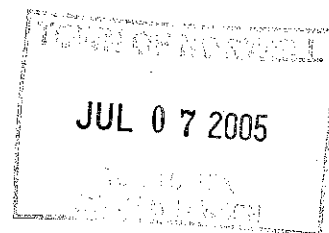
Mr. Claude Smith of 160 River Street noted that he has six inches of water in his back yard now in the spring. He is very concerned about any increase.

Mr. Detwiler asked about the regulation that requires the land to be suitable. Chairman Graham noted that the Board is operating under the 1986 regulations, which does not provide as much control as under the new regulations. Member Joseph noted that the lots have to perc and they must drain.

Mr. Detwiler noted that the land can be made suitable by bringing in fill. Members Graham and Joseph agreed that that is the case.

Mr. Littlehale asked questions about how the perc testing is done and when. The Board referred him to the Board of Health as that is outside of the Planning Board's jurisdiction.

Mr. Vorderer asked about dumping on the Property. Mr. Shute stated that he is aware that a landscaper is dumping brush on his property and that he has tried to stop it without success.



Mr. Shute reviewed what needs to be done before the next meeting:

- The 60-inch tree must be investigated.
- The tree species for the street trees must be provided.
- The tree line and clearing limits must be revised, with John Chessia's input.
- The drainage calculations must be revised.
- The flow onto the Smith property must be checked.
- He will review a copy of draft language regarding how to deal with impervious surfaces.
- The abutters will be checked and corrected as necessary.
- He will consider whether the pond needs to be bigger.

Member Joseph urged Engineer Carter to make sure that he takes all of the comments made to date into account, so that the plan will have to be revised this one last time. The revisions are time consuming and expensive. She urged him to pay attention to the details, including that the basic requirements are satisfied, like north points and match lines and that the contours and abutters are correct.

Chairman Graham emphasized that the next meeting should be the last portion of the public hearing.

The Board discussed with Engineer Carter how long it will take him to revise the plan. He will have the revised plan in two weeks or so, meaning that the earliest meeting at which the revisions could be discussed would be August 17th.

References to a request for waivers were included in Engineer Carter's presentation and made by Mr. Shute. Member Turner asked if there is a written request for waivers. Mr. Shute said that he did not have a request that he wanted to submit this evening. He needs to work on it and present it later.

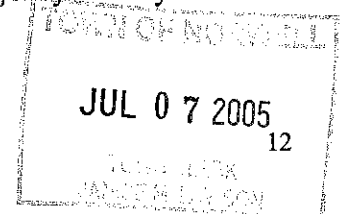
Mr. Shute requested that the Board extend the deadline for final action on the project to September 16, 2005. Member Ianiri moved and Member Barry seconded that the applicant's request to extend the deadline for final action to September 16, 2005 be granted. The motion was approved 5-0.

Member Ianiri moved and Member Barry seconded that the Board continue the public hearing to August 17, 2005 at 7:30 p.m. The motion was approved 5-0. The deadline for receipt of the revised plan, so it can be discussed on August 17, 2005 is July 27, 2005.

DISCUSSION. Adjournment. 11:00 p.m.

At 11:00 p.m., Member Ianiri moved and Member Turner seconded that the Board vote to 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 July 6, 2005.



Richard Parnell Barry
Richard Parnell Barry, Clerk

TOWN OF RICHMOND
JUL 07 2005
JAMES A. JAMES JR. JR.
JAMES A. JAMES JR. JR.