

Norwell Planning Board Meeting Minutes
June 8, 2005 Regular Session

The meeting was called to order at 7:00 p.m. Present were Board Members Richard Parnell Barry, James M. Ianiri, Karen A. Joseph and Sally I. Turner and Town Planner Ilana Quirk. Member Bruce W. Graham was absent.

DISCUSSION. Agenda. 7:00 p.m.

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

DISCUSSION. Minutes. 7:00 p.m.

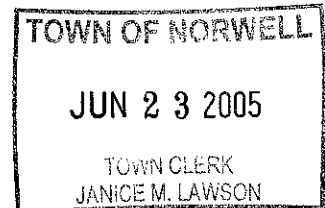
May 25, 2005 Minutes.

Member Ianiri moved and Member Barry seconded that the Board vote to approve the May 25, 2005 minutes. The motion was approved 4-0, with Member Graham absent.

DISCUSSION. Bills. 7:05 p.m.

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

Coler & Colantonio, Inc. (Hawthorne Park):	\$122.95
Corporate Express:	\$ 5.46
Monadnock Water:	\$ 12.00



The motion was approved 4-0, with Member Graham absent.

The Members signed the approved vouchers and a voucher for a bill for Attorney Bobrowski previously approved.

DISCUSSION. John Neil Drive/Circuit Street Mayers ANR Plan. 7:05 p.m.

All members, except Member Graham, were present. The Board discussed an ANR Plan, entitled: "Plan of Land 180 Circuit Street in Norwell, MA," that was dated May 12, 2005, and prepared by Professional Land Surveyor Douglas L. Aaberg of Aaberg Associates, Inc of 80 Washington Street, Norwell, MA 02061. The Board reviewed the June 6, 2005 draft decision prepared by the Planner.

Member Ianiri moved and Member Joseph seconded that the Board vote to accept submission of the May 12, 2005 ANR Plan for 180 Circuit Street and to adopt the staff recommendations set forth in the June 6, 2005 draft decision and to take favorable action to endorse the May 12, 2005 ANR Plan for 180 Circuit Street. The motion was approved 4-0, with Member Graham absent.

DISCUSSION. Parker Street. ANR Plan #2. Castlerock Management. 7:10 p.m.

All members, except Member Graham, were present. The Board discussed an ANR Plan, entitled: "Approval Not Required Plan Parker Street, Norwell, MA," that was dated May 16, 2005, as revised through June 26(sic), 2005, and prepared by Professional Land Surveyor Kevin J. Kiernan of Allen & Major Associates, Inc. of 25 Wareham Street, Middleborough, MA 02346. The plan is a revision of a plan withdrawn from consideration on May 25, 2005. The new plan still had a number of errors on it, including the revision date preparation (which should have been May 26, 2005, not June 26, 2005) and the name of the owner is shown, but it is incorrect. On June 6, 2005, the applicant filed a letter with the Town Clerk withdrawing this ANR Plan from consideration also.

Member Ianiri moved and Member Joseph seconded that the Board voted to accept submission of the ANR Plan, dated May 16, 2005, as revised through June 26 (sic), 2005, for Parker Street and Winter Street and to accept the withdrawal of this Plan as well. The motion was approved 4-0, with Member Graham absent.

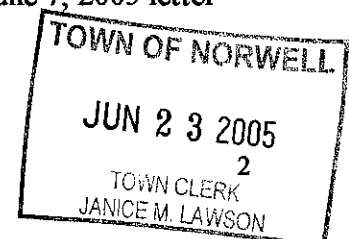
DISCUSSION. Parker Street. ANR Plan #3. Castlerock Management. 7:10 p.m.

All members, except Member Graham, were present. The Board discussed an ANR Plan entitled: "Approval Not Required Plan Parker Street, Norwell, MA," that was dated May 16, 2005, as revised through June 1, 2005, and prepared by Professional Land Surveyor Kevin J. Kiernan of Allen & Major Associates, Inc. of 25 Wareham Street, Middleborough, MA 02346. This is the third plan provided by the applicant, Castlerock Management for this property. The third ANR Plan was accompanied by an affidavit of assent provided on June 6, 2005 by the Managing Member of Yankee Division Properties, LLC the owner. The Board reviewed the June 8, 2005 draft decision prepared by the Planner.

Member Ianiri moved and Member Joseph seconded that the Board vote to accept submission of the ANR Plan, dated May 16, 2005, as revised through June 1, 2005, for Parker Street and Winter Street, and to adopt the staff recommendations set forth in the June 8, 2005 draft decision and to take favorable action to endorse the May 16, 2005 ANR Plan for Winter Street and Parker Street, as revised through June 1, 2005. The motion was approved 4-0, with Member Graham absent.

DISCUSSION. Winter Street ANR Plan. Kopacz Family Realty Trust. 7:15 p.m.

All members, except Member Graham, were present. The Board discussed an ANR Plan entitled: "Subdivision Plan of Land, Being a Subdivision of Lot 12, Plan No. 21278F, Winter Street, Norwell, MA," that was dated August 6, 2002, as revised through April 28, 2005, and prepared by Professional Land Surveyor Ralph Harlow Cole of mr Surveying, Inc. , P.O. Box 5104, Norwell, MA 02061. The Board reviewed the June 7, 2005 letter from the Applicant withdrawing the ANR Plan from consideration.



Member Ianiri moved and Member Turner seconded that the Board vote to accept submission of the ANR Plan for Winter Street, dated August 6, 2002, as revised through April 28, 2005 and to accept the withdrawal of the Plan. The motion was approved 3-0, with Member Joseph abstaining and Member Graham absent.

DISCUSSION. Donovan Farm Plowing Petition. 7:20 p.m.

All members, except Member Graham, were present. The Board discussed the April 5, 2005 request by the Donovan Farm residents to the Board of Selectmen that the Town assume the responsibility of plowing and sanding Donovan Farm Way.

The Board discussed the history of the Donovan Farm Project and the fact that it was not approved under the subdivision control law and, instead, is a condominium project and its entrance way is a driveway, not a subdivision way. The Board discussed the recent placement by Donovan Farm residents of a sign at the entrance to the driveway, stating that only residents and residents' guests may access the driveway.

The Board noted that the requirement of G.L. c.40, §6C, that a private way shall be open to the public in order for a town to pay for plowing, has not been met. The Board also determined that the driveway is narrow, has reduced turning radii, lacks snow storage areas and is otherwise inappropriate for the town to plow. The Board noted that there was an understanding that the driveway would remain the responsibility of the Homeowners Association when the special permit was issued.

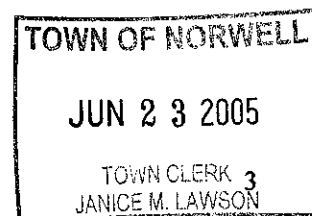
Member Ianiri moved and Member Joseph seconded that the Board voted to send a letter to the Board of Selectman opposing the petition. The motion was approved 4-0, with Member Graham absent.

DISCUSSION. Trunnel Field Change Request. 7:25 p.m.

All members, except Member Graham, were present. Engineer John Chessia was present for the discussion.

Liam Vickers, the owner and developer of Lot 2, requests the Board to grant a field change to allow him to face the drainage basin's concrete outlet and forebay with culture stone and to place a number of trees as a landscaping buffer between the house on Lot 2 and the drainage basin.

The Board discussed the culture stone proposal with Engineer Chessia and no problem with this idea. The Board discussed the tree installation proposal and had no problem with the planting of trees, provided that they are not placed in a location that interferes with the drainage system. The members indicated that would like and have Engineer Chessia quickly review the proposed location of the trees, as noted on an excerpt of the plan, so that no adverse impact on the drainage system occurs.



Member Ianiri moved and Member Joseph seconded that the Board voted to grant the field change request to allow the concrete structures in the drainage basin to be faced with culture stone and postponed consideration on the portion of the request regarding tree installation until a more detailed plan is provided. The motion was approved 3-0, with Member Turner abstaining and Member Graham absent.

DISCUSSION. 7:29 p.m. Planning Questionnaire.

Member Barry gave an update and noted that he is still waiting for responses from various Town agencies. The Board tabled discussed until a later date.

PUBLIC HEARING. Barrel Lane. 7:30 p.m.

All members, except Member Graham, were present. Applicant Donald E. Shute was present. The Board's engineering consultant, Engineer John Chessia, was present.

Member Barry read the public hearing notice to continue the public hearing.

Since Member Graham could not be present at tonight's hearing, Mr. Shute requested that the Board continue the public hearing to June 22, 2005, a date on which all members are scheduled to be present. The Members discussed the request and found it to be reasonable. Mr. Shute provided a written request that the deadline for final action be extended from July 8, 2005 to July 22, 2005.

Member Ianiri moved and Member Barry seconded that the Board grant Applicant Donald Shute's written request for an extension of the deadline for final action from July 8, 2005 to July 22, 2005. The motion was approved 4-0, with Member Graham absent.

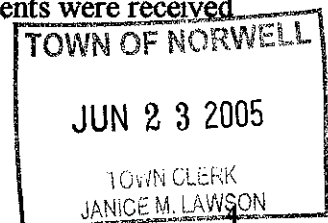
Member Ianiri moved and Member Barry seconded that the Board continue the public hearing to June 22, 2005 at 8:15 p.m. The motion was approved 4-0, with Member Graham absent.

Member Joseph, who chaired the meeting in Member Graham's absence, explained to the members of the public who were present that no further notice of the continuation of the public hearing would be provided to them, so they should make a note of the date and time.

DISCUSSION. Turner's Way. Endorsement Request. 7:40 p.m.

All members, except Member Graham, were present. Member Turner recused herself and left the room. Applicant David Turner was present and provided the Board with a check for \$500.00 to pay for surety review as required under the April 2005 Regulations.

The Planner provided a status report and noted that a number of documents were received late today and, this point, there are three issues for discussion.



First, Condition 7, which requires that the electric company shall approve the lighting specifications shown on the plan, before endorsement occurs, has not been satisfied yet. Mr. Turner explained that he is seeking confirmation of approval from the Electric Company, but does not yet have the confirmation. The Board discussed putting off compliance with Condition 7 to a later date if surety were posted to guarantee compliance. The Board noted that any such concession must be given to all future applicants as well.

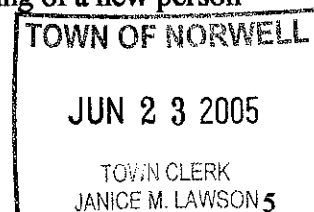
Member Ianiri moved and Member Barry seconded that the Board vote to allow compliance with Condition 7 to be postponed to a later date, provided that cash surety and a property surety agreement are provided to guarantee compliance. The required amount shall be \$1,000 per streetlight shown on the plan. The motion was approved 3-0, with Members Turner and Graham absent.

Second, an easement instrument was provided as required under the conditional approval, but it did not take comments made by Town Counsel on April 13, 2005 into account. The comments were contained in a failed e-mail to the Planner, which were then faxed to the Planning Office and put into the file without being distributed. The Planner apologized for the oversight. Town Counsel Robert Galvin, Jr. arrived at the meeting to discuss this particular issue and he told the Board that he reviewed the easement with Mr. Turner this afternoon and that Mr. Turner now has revised the easement language to satisfy all of the previously noted concerns. Mr. Turner provided the corrected easement instrument language, which must be finalized and signed by both owners and notarized. The Board was satisfied with the easements if they satisfy Town Counsel.

Third, while the mylars conform to the engineering requirements (and have been approved by Engineer Chessia) the mylars are not in proper form for all of the sheets to be recorded. The Registry block is missing and the required reference to the Board's certificate of decision does not appear on all of the sheets. The Regulations require that the entire plan be recorded, not just particular sheets. Mr. Turner stated that he has no objection to recording the entire plan. Member Ianiri moved and Member Joseph seconded that the mylars may be endorsed without the need for a further meeting, provided that the mylars first are properly amended to be in a recordable condition and that the Board members are satisfied that no other alterations to the mylars have occurred. The motion was approved 3-0, with Members Graham and Turner absent.

DISCUSSION. Staff Issues. 8:05 p.m.

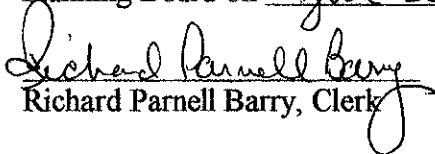
All members, except Member Graham, were present. The Board discussed the reduction in force underway at Town Hall, due to the failure of the recent effort to override Proposition 2 1/2. Four positions were terminated and one of the employees in a terminated position has exercised her right to "bump" a less senior employee and that less senior employee is the clerical assistant for the Planning and Conservation Offices. The Board members expressed regret over the entire situation. The training of a new person was discussed.



DISCUSSION. Adjournment. 8:20 p.m.

At 8:20 p.m., Member Ianiri 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 June 22, 2005 2005.


Richard Parnell Barry, Clerk

